I think all of us in this body are fortunate enough to have a day-care center that was developed in a bipartisan way in the Congress. We have the kind of day care available for employees of the Senate that we are denying to so many others who are attempting to work for a great deal less than we are receiving, in terms of salaries, trying to make ends meet.

We hear a great deal, as we did in the early part of the year, Washington does not get it because the laws we pass we do not apply to ourselves. Remember that? We went through a whole discussion and debate about that. And we should apply the laws that we pass for others to ourselves.

But the other shoe fits, too, and that is what we do for ourselves we might think about doing for others. What we have done is afforded the child care program, and now we are being asked to try and move people off welfare and basically avoid the fundamental commitment of trying to provide some child care to those individuals.

As Senator DODD and Senator MOYNIHAN understand very completely, that program just will not work. That just will not work. The idea that you are going to be able to take these resources, which is flat funding over a period of time, when about 85 percent of those resources are being used for benefits, and think that you are going to be able to scrape some funding out for child care, I think, does not hold water.

We have seen very little indication, given what has happened in the States, as the Senators from Connecticut and New York have pointed out, that is happening today and why we ought to expect it to happen in the future.

So, Mr. President, this is really about the priority of children. Every day so many speeches are made about children and about the most vulnerable. We have an opportunity to address those needs with the Dodd amendment. I think all of us should be impressed by the seriousness of the redressing of this issue.

It has been as a result of a long, painstaking, tireless effort by the sponsor of this amendment to try and broaden out and to work this process in a way that would have bipartisan support and would make a very important and significant improvement in the legislation. I am hopeful that when it is offered, that it will succeed. I think this will certainly be one of the most important votes that we will have in this session.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I have heard some speeches on the floor of the Senate and this ranks right up there. I do not know how you say—when the leader here is negotiating, in good faith, to in fact add more money into the child care fund—that somehow or another we are denying the fact that we need child care, and have Members on the other side who insist on having their name sketched next to the child care money, to throw out an agreement to do just that. I think that is not cooperation by any stretch of the imagination.

To also suggest that somehow we provide day care for workers here in the U.S. Congress and that we are not willing to do so in the welfare bill—maybe the Senator does not know it, but the people who have children in day care pay for that with the hard-earned dollars that they work for.

Mr. KENNEDY. Will the Senator yield?

Mr. SANTORUM. No, I will not yield. They work for it with their hard-earned dollars. What you are suggesting is to give money to people to go to work, to give them child care to go to work.

Mr. DODD. Will the Senator yield?

Mr. SANTORUM. No, I will not yield. The fact of the matter is that what the Senator from Connecticut is doing is trying to block an agreement from happening by insisting on an amendment on day care, which we are willing to sit—and have been for hours—and try to put together.

I am hopeful that we can get through the partisanship on this and move forward in a bipartisan way. And I know there are many Members on the other side of the aisle that want to work in a bipartisan fashion to get this bill through, to get day care money funded, because it is a sincere interest, I know, of the leader and of other Members on our side to get this legislation through with additional day care funds.

Mr. DODD. Will the Senator yield?

Mr. SANTORUM. We will and have been working. I object to the fact that the Senator from Massachusetts stands up and says we are giving free day care here in the Congress, and we are providing it for our folks when, in fact, they pay for that day care, and that we are unwilling to give it to people on welfare, when, in fact, we are going to be giving day care to people on welfare.

I just think you are mixing who is paying for what. The fact of the matter is, people working here paying for their day care are paying taxes to subsidize the people that we want to provide day care for under the welfare bill. Let us get it straight.

I am willing, as other Members on this side are, to put some more money in for day care so that people can get off of welfare. But do not try to suggest that somehow we are providing perks to Members here that we are unwilling to give on welfare. Exactly the opposite is the truth.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

FAMILY SELF-SUFFICIENCY ACT

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, I am going to propound a unanimous-consent request as soon as it has been cleared by the Democratic leader. I intend to finish this bill today one way or the other, even if there is not going to be a welfare bill. We have been at this for several hours in good faith. In the offer we made, which was rejected by the Senator from Connecticut, there is, over 5 years, $3 billion. I think his amendment was 5——

Mr. DODD. That was not the offer.

Mr. DOLE. We just changed it. He had $5.7 billion over 5 years. We said, OK, we will go more than halfway, to $3 billion over 5 years.

Mr. DODD. That is the first time this Senator heard that offer.

Mr. DOLE. My view is that is what the Senator wanted.

Mr. DODD. I will be glad to look at that. We can put in a quorum call. I say that with all due respect to the Senator.

Mr. DOLE. We changed it about an hour ago. As I understand it, it is more than halfway to where the Senator was with his amendment the other day. We checked it with some others, and they think this is a very generous, responsible offer. That would be $8 billion over 5 years set aside for child care

Mr. DODD. If the Senator will yield. We know each other very well, and I just say that offer was not presented to me. I would not say that if it were not the case.

Mr. DOLE. Then I will present it to you now.

Mr. DODD. Let us put in a quorum call and see if we can get the details.

Mr. DOLE. I do not think we have a problem here.

Mr. DODD. We may not.

Mr. DOLE. We have taken care of maintenance of effort and the job training. We are going to make it free-standing, under a time agreement. And contingency grant funds, which we did not have in our bill, was sponsored by the Senator from Ohio, Senator DEWINE. He thought about $530 million was appropriate. We made it $1 billion. So if some State has a calamity, they do not have to pay it back. We kept the loan funds of $1.7 billion, and we have accepted some of the triggers suggested. The work bonus program, that has been done.

On the vouchers, we have not reached an agreement, but we have increased the hardship exemption in the bill from 15 to 20 percent. We have added $75 per year for abstinence education, which has broad support. And program evaluation, of interest to the Senator from New York, and others, $20 million to evaluate the program. If that is not enough, we can raise it to $25 million.

I talked to Dick Nathan, who suggested that amendment; he is a well-respected academic. Food stamps, which we have discussed with the Democratic leader, has certain escape hatches. We do not think it punishes anybody.

We think it is a good package, and we think we can complete this whole bill in a couple of hours.

Mr. DODD. If the majority leader will yield—and I say this with great respect

and friendship, because that is the case—the offer presented to me was $3 billion over 7 years, along with a check on the financing schemes. I say, in fairness, that in my conversation with the Senator from Utah we talked about this, and I counteroffered with the proposal of $3 billion over 5 years. I was told it was rejected.

Under the circumstances, let us find out about where we are. If that is the case, I am prepared to sit down and take a good hard look at it. I was told something different, and that can happen around here as these offers go back and forth. I urge that maybe those involved look at the child care piece. I am not as familiar with the other pieces the majority leader described.

Mr. DOLE. I will say that the Democratic leader, Senator DASCHLE, gave me a list of six or seven items yesterday, and we have been able to accommodate part of each of those, with the exception of one where there was a time limit. Even there, we increased the percentage on exemption, hardship exemption, from 15 to 20 percent, which would cover that concern.

If the Democratic leader wishes to speak, I am happy to go over this with the Senator from Connecticut. We believe it is a responsible, reasonable effort. I might point out that we only save $5 billion in AFDC over 5 years and only $9 billion over 7 years. Total savings in the Senate bill, which are going to be reduced because of some of the things we have agreed to do, over 5 years, is $44 billion; the House bill is $75 billion. Over 7 years, ours is $71 billion; the House is $122 billion. So there is a vast difference between this and the House bill, as far as savings are concerned. We would like to complete action on this bill and go to conference.

Mr. DASCHLE. Mr. President, I wonder if we might suggest a quorum call for a brief period of time for us to be able to see if we can finalize some of the understandings as it relates to this agreement.

I think there are some misunderstandings here that may be clarified that could accommodate this agreement, even now.

I thought we had exhausted all possibilities, but maybe not. If that is the case, I think it is worth one more quorum call to see if we can resolve it.

Mr. HATCH. If leaders would withhold for a second, I think that the settlement on child care is utterly reasonable, something that can bring us together.

I commend both leaders for trying to bring this about. It is my understanding that the Hatch language on child care will also be part of that.

Mr. DASCHLE. That is what we will find out.

Mr. DOLE. The fencing will be but I am not sure about anything else.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have been in discussion with the distinguished Democratic leader and other colleagues on both sides. I think we have the framework of an agreement. We do not have it drafted. Nobody has signed off on it finally. But I think in the interest of time it has occurred to me and the Democratic leader, Senator DASCHLE, that maybe those who have outstanding amendments could come to the floor now and offer those amendments, hopefully in a very short period of time because we hope to go and will go to third reading hopefully by midnight tonight. But we are going to go to third reading on welfare reform between now and sometime, and we would rather do it by midnight if we could. I know there are a number of amendments we have looked at people can accept. We will try to be as accommodating as we can with our colleagues.

But I think that is the view of the distinguished Democratic leader; is that correct?

Mr. DASCHLE. Mr. President, I concur entirely. I think we have gotten to the point now where it may just be a matter of a period of time before we can submit the agreement and have a vote. But this is valuable time we are losing, and I know a lot of Members have come to me throughout the day expressing an interest in offering their amendments. I do not want to preclude them from doing so. I think they ought to come to the floor.

I have agreed that we can go at some point tonight to third reading. So we will finish this bill tonight at some point.

So to accommodate Senators who still have amendments, to ensure that we maximize what time we have left, whatever time it is going to take before we go to third reading, I encourage all of our colleagues to come over if they have amendments.

As the distinguished majority leader said, working with our ranking member, who has done a remarkable job—he deserves an award for sitting in the Chamber as long as he has—we are ready to go to work. We would like to finish with those amendments that are not part of this agreement, and there are many of them. So come to the floor as quickly as you can and see if we can resolve these outstanding issues.

Mr. BREAUX. Will the majority leader yield?

Mr. DOLE. Could I just say one word because the Democratic leader reminds me we are talking about amendments that would not impact on what we hope to have as an agreement here, child care—any amendment in the area we are looking at we hope would not be offered. We do not have an agreement yet. We hope there is. It may not be possible. So we hope Members would not offer amendments that would affect the agreement we hope to achieve.

Mr. BREAUX. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. BREAUX. I thank the Senator for yielding. And I ask maybe our leader, both leaders actually. A great deal of work has been done, a lot of back and forth, and I think a good compromise has potentially been reached here. I am concerned, as our leader is, that there are a lot of other amendments—I do not know whether we have 30, 40 amendments that are still posted out there, and I am just concerned, is it the intent to finish the bill tonight, I ask both leaders?

Mr. DOLE. We hope to go to third reading this evening. We hope it is this evening. It may be tomorrow morning.

Mr. DASCHLE. I believe, if the majority leader will yield, in answer to the question, having had the chance to look at the amendments, most Senators would agree to relatively short time limits, and I do not think there is any reason why we cannot complete work on the remaining amendments tonight.

So I would again encourage Senators because it is 10 minutes to 6. There is some good time left tonight for us to accommodate Senators who come to the floor. And we will see what the list looks like. I expect it is going to be a lot less than 40. A number of these amendments will fall if they get this agreement. And we will just work through whatever remaining amendments Senators wish to offer, but we cannot do that if they do not come to the floor.

Mr. DOLE. It is still possible, I might add—I will certainly consult the Democratic leader. One way to eliminate some of the amendments would be with a cloture vote. Of course, you still have 91 amendments, but I think those would all be—there would not be any amendments to expand this program. They would be amendments to limit the program, so they might be good amendments. But we hope if we get some cooperation in the next hour or so that would not be necessary.

Mr. WELLSTONE. Mr. President, might I ask the majority leader a question? I certainly, first of all, know there has been a lot of difficult negotiation. And I respect that process very much.

But as I have listened to the majority leader, was he saying that built into this unanimous-consent agreement would be an understanding that there could be no amendments in the same areas in which you have reached agreement with amendments? And if that is the case, then would Senators have an opportunity to at least, as opposed to that being hammered out back in our offices, have an opportunity to look at what that means?

Mr. DOLE. Right.

Mr. WELLSTONE. I know without looking at the areas, it is difficult to say whether you would agree or not.

Mr. DOLE. Child care is one thing we are working on. Maintenance of effort has already been taken care of.

Job training. We have an agreement, if we have an overall agreement, to take the job training provisions out of this bill and have a freestanding bill. That agreement has already been reached between Senator KASSEBAUM and Senator KENNEDY. We will take that up sometime after the appropriations bills are done.

Contingency grant fund. That is in response to a request by Senator DASCHLE and the Governors and Senator DEWINE, and certain things that must happen about matching and when it is triggered.

Work bonus. That has been done. Some question about vouchers. We have not reached an agreement on that, but we have agreed to expand the current hardship exemption from 15 to 20 percent.

Abstinence education; $75 million per year earmarked for abstinence education.

Program evaluation was, I guess, a concern of the Senator from New York and others. We authorized $20 million. I think that is adequate. If not, it can be, I assume, adjusted.

Then we have been working on a savings provision with reference to food stamps. That has not been agreed to yet.

So those are the general areas. There are others that I do not—I know Senator COHEN and Senator BINGAMAN have an interest in SSI. The thing is, we need to find offsets for these. That is what we are trying to do this afternoon.

Mr. WELLSTONE. Mr. President, if I could just say to the majority leader and the minority leader, if you would be willing to give Senators some advance notice as to when you come out with the agreement. I would just like to have those areas and just sort of understand what is in the agreement before agreeing that there would be no amendments in this area. I am sure that I would agree to that, but I would just like to know what it is we are talking about since I was not part of the actual negotiation.

Mr. DASCHLE. I am sure we can accommodate the Senator.

Mr. WELLSTONE. I thank the Senator.

Mr. MOYNIHAN. Mr. President, pending the arrival of Senators wishing to offer amendments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, might I ask the majority leader a question? I certainly, first of all, know there has been a lot of difficult negotiation. And I respect that process.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

PRIVILEGES OF THE FLOOR

Mr. PRYOR. Mr. President, on behalf of Senator BIDEN of Delaware, I ask unanimous consent that Peter Jaffe, a detailee on the staff of the Senate Judiciary Committee, be granted floor privileges for the remainder of the 104th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Thank you, Mr. President.

AMENDMENT NO. 2495, AS MODIFIED

Mr. PRYOR. Mr. President, at this time I call up amendment No. 2495 and ask unanimous consent that the amendment be sent to the desk and that it be modified to reflect the language in this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 52, lines 4 through 6, strike ''so used, plus 5 percent of such grant (determined without regard to this section).'' and insert ''so used. If the strike does not prove to the satisfaction of the Secretary that such unlawful expenditure was not made by the State in intentional violation of the requirements of this part, then the Secretary shall impose an additional penalty of 5 percent of such grant (determined without regard to this section).''.

On page 56, strike lines 11 through 14, and insert the following:

''(1) IN GENERAL.—The penalties described in paragraphs (2) through (6) of subsection (a) shall apply—

''(A) with respect to periods beginning 6 months after the Secretary issues final rules with respect to such penalties; or

''(B) with respect to fiscal years beginning on or after October 1, 1996;

whichever is later.

On page 122, between lines 11 and 12, insert the following:

SEC. 110A. CORRECTIVE COMPLIANCE PLAN.

(a) IN GENERAL.—

(1) NOTIFICATION OF VIOLATION.—Notwithstanding any other provision of law, the Federal Government shall, prior to assessing a penalty against a State under any program established or modified under this Act, notify the State of the violation of law for which such penalty would be assessed and allow the State the opportunity to enter into a corrective compliance plan in accordance with this section which outlines how the State will correct any violations for which such penalty would be assessed and how the State will insure continuing compliance with the requirements of such program.

(2) 60-DAY PERIOD TO PROPOSE A CORRECTIVE COMPLIANCE PLAN.—Any State notified under paragraph (1) shall have 60 days in which to submit to the Federal Government a corrective compliance plan to correct any violations described in such paragraph.

(3) ACCEPTANCE OF PLAN.—The Federal Government shall have 60 days to accept or reject the State's corrective compliance plan and may consult with the State during this period to modify the plan. If the Federal Government does not accept or reject the corrective compliance plan during the period, the corrective compliance plan shall be deemed to be accepted.

(b) FAILURE TO CORRECT.—If a corrective compliance plan is accepted by the Federal Government, no penalty shall be imposed with respect to a violation described in subsection (a) if the State corrects the violation pursuant to the plan. If a State has not corrected the violation in a timely manner under the plan, some or all of the penalty shall be assessed.

Mr. PRYOR. Mr. President, the amendment does not have to be read, as I understand it.

The PRESIDING OFFICER. That is correct.

Mr. PRYOR. I thank the Chair.

Mr. President, I rise today to offer this amendment on behalf of myself and Senator GRAHAM of Florida. This is an amendment that I think speaks to some real need for a common sense approach to the issues of penalties that this legislation could burden our States with.

This amendment will give some flexibility to the penalty section that the States will be subjected to if they fail to quickly comply with the numerous requirements of this legislation.

Mr. President, this amendment has the support of the National Governors' Association, the National Conference of State Legislatures, and the American Public Welfare Association. I would like to take this opportunity to publicly thank these fine groups for endorsing and supporting this amendment.

Under the bill before us, Mr. President, as the States move to a more flexible block grant welfare system—and it appears that that is what is going to happen—the States of our Union are going to be subjected to harsh, inflexible penalties.

These penalties should be designed to encourage States to play by the rules, not to injure them for unintentional mistakes made while they are trying to recreate their entire welfare systems with very, very limited resources and very little time to do it.

This bill states that our States in our Union can be penalized by up to 5 percent of their block grant for each of the following violations. Let me reiterate, for each of the following violations: If a State, one, fails to submit a required report—any required report; if a State fails to use the income and eligibility verification system; if the State fails to comply with the increased paternity establishment and child support enforcement requirements; and if a State fails to meet work participation rates.

The Congressional Budget Office says that most States will not be able to meet these work participation rates in the short time allowed by the proposed legislation.

These penalties are very, very harsh. They are inflexible, and alone they could add up to 20 percent of a State's block grant.

But a State can be penalized an additional 5 percent under this proposal for the improper use of funds, even if that misuse is not intentional.

If I might cite a hypothetical example. If the State of Texas, for example,

unknowingly and by mistake erroneously paid $184 in welfare payments to a person who has violated his prison parole, the penalties would be as follows, Mr. President: The $184 that was improperly used, that would be a part of the penalty, plus 5 percent of the State's total block grant value which works out to be $25 million in penalties for the State of Texas.

In addition, the State of Texas would have to use State funds, not Federal funds but State funds, to make up this entire penalty. I am certain that this is a classic case of unintended consequences, and I feel very certain, Mr. President, that the authors of the original bill had no intention of penalizing our States in this manner.

In short, a State would be penalized in this situation, in this hypothetical condition, over $25 million for an unintentional $184 violation, and that is only for one violation, unintentional as it might be.

This amendment further solves a problem by applying a penalty of 5 percent only—only—if the improper use is judged to be intentional. If it is the result of an honest mistake, the State would still have to repay the amount misused, plus an additional amount of State funds to maintain the block grant.

An additional part of this amendment gives the State the necessary transition time that the States are going to need to put their welfare systems in place, while not delaying reforms in areas where the State is ready to move ahead. It will postpone the penalties of all but improper use of funds until 6 months after Health and Human Services issues the final rules. In the absence of final regulations, the States that try to interpret and meet the requirements of a statute in good faith may still be subject to penalties when the details of the law are fleshed out by Federal regulations.

Finally, Mr. President, the amendment I offer today, once again, in behalf of myself and Senator GRAHAM of Florida, the amendment that we offer will allow the States to enter into an agreement with HHS called a corrective compliance plan which spells out how the State will improve its systems and comply with the requirements of the act.

This section of my amendment incorporates many of the ideas that were embodied in an earlier amendment by the Senator from Arizona, Senator MCCAIN. It is similar to a provision in the current law that we now operate under. The penalties are suspended as long as the State continues to follow the plan.

If the Secretary of HHS finds that a State is not working to improve its system, then the Secretary may impose all or some of the original penalties, depending on how much progress that particular State has made.

This amendment does not weaken the Federal oversight on States. In fact, even with these changes, the penalties on States in this legislation will be far more strict than those penalties in the House bill. It is narrowly drawn to be fair. It is drawn to be flexible, and it is drawn to meet the test of common sense.

The Congressional Budget Office estimates that there are no costs—no costs—associated with this amendment. I am very proud to say that this amendment has, we believe, bipartisan support in the U.S. Senate. And once again, I wish to thank the American Public Welfare Association, the National Conference of State Legislatures, and the National Governors' Association for the splendid assistance they have given us in preparing this amendment.

I also appreciate the understanding shown and hopefully the ultimate acceptance of this amendment by not only the majority but also the ranking manager of this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. We are prepared to accept the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. The question is on agreeing to amendment 2495, as modified.

The amendment (No. 2495), as modified, was agreed to.

Mr. MOYNIHAN. I move to reconsider the vote.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as I understand, the Senator from Alabama is prepared with an amendment, 40 minutes equally divided; the Senator from Maryland, Senator MIKULSKI, is prepared to offer her amendment, 20 minutes equally divided; the Senator from California would follow the Senator from Maryland.

AMENDMENT NO. 2614

Mr. DOLE. I think amendment 2614, as drafted, is acceptable.

Mr. MOYNIHAN. It is acceptable.

Mr. DOLE. I send amendment 2614 to the desk.

The PRESIDING OFFICER. Amendment 2614 is the pending question. The question is on agreeing to amendment numbered 2614.

The amendment (No. 2614) was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I believe I need a very short time for my amendment. I believe Senator SIMPSON would like to speak on the deeming amendment for 10 minutes, and it would be agreeable to have 10 minutes on my side on that amendment.

On the other amendment, 10 minutes is enough. Senator KENNEDY would like to speak on the deeming amendment as well.

Mr. DOLE. As I understand, there are two amendments.

Mrs. FEINSTEIN. There are two amendments.

Mr. DOLE. Naturalization and deeming?

Mrs. FEINSTEIN. That is correct.

Mr. DOLE. Twenty minutes on each amendment?

Mrs. FEINSTEIN. That is fine.

Mr. DOLE. We have Senator SHELBY, Senator MIKULSKI, two amendments by Senator FEINSTEIN, and then in our rotation plan it would come back to this side unless we have an agreement we can accept.

Once the Senator from North Dakota has his worked out——

Mr. CONRAD. Mr. Leader, we think we have achieved agreement, so if we could get in the queue, we think we have that all taken care of.

Mr. DOLE. Following Senator FEINSTEIN.

Mr. CONRAD. That certainly would be good. We could take 10 minutes.

Mr. DOLE. Ten minutes.

That will be four amendments by my colleagues on the other side. I assume we can have an equal number on this side.

Mr. MOYNIHAN. Yes.

Mr. DOLE. I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

AMENDMENT NO. 2526

Mr. SHELBY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Amendment 2526, offered by the Senator from Alabama, is now the pending business.

Mr. SHELBY. Mr. President I ask unanimous consent to add the following Senators as original cosponsors of the amendment: Senators SANTORUM, GRAMS, HELMS, GRAMM of Texas, COATS, and LOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, along with the Senators that I have just mentioned as cosponsors, that is, namely, Senators CRAIG, LOTT, HATFIELD, COATS, SANTORUM, GRAMS, HELMS, and GRAMM of Texas, I am introducing an amendment that we believe will help strengthen the role of the family in America.

The out-of-wedlock birthrate in America is projected to reach 50 percent by early next century, and I am concerned that this trend will result in a dramatic increase in the number of children abused and neglected. There are now close to 500,000 children in the

foster care system, but only 50,000 are placed for adoption each year. Our amendment would effectively find homes for many children who need parents and find children for parents who need families. The objective of this amendment is to provide an appropriate incentive to encourage a policy which should be embraced by all Americans.

Adoption is a positive event that benefits everyone involved. Obviously a loving, caring family for a parentless child is the primary benefit of adoption. Studies show the adopted child receives a strong self identity, positive psychological health and a tendency for financial well-being.

Parents who adopt children also benefit. They receive the joy and responsibility of raising a child as well as the love and respect only a child can give. The emotional fulfillment of raising children clearly contributes to the fullness of life.

Lastly, we should not forget the advantages to communities as a whole in America. Society is unambiguously better off as a result of adoption. Statistics show time and again that children with families intact are more likely to become productive members of the community than children without both parents.

Unfortunately more times than not, a financial barrier stands in the way of otherwise qualified parents. The monthly cost of supporting the child is not the hurdle, but instead the initial outlay to pay for the adoption. There are many fees and costs involved with adopting a child, which include maternity home care, normal prenatal and hospital care for the mother and child, preadoption foster care for infant, home study fees, and legal fees. These costs can range anywhere from about $13,000 to $36,000, according to the National Council for Adoption.

Like the person who wants to buy a home, but cannot because the financial hurdle of a down payment stops them, potential parents often cannot adopt a child because of the substantial initial fees, fees that could actually exceed the cost of a down payment for a home. As a result, children are denied homes, and parents denied children.

Our amendment seeks to address this problem. It would allow a $5,000 refundable tax credit for adoption expenses. This credit would be fully available to any individual with an income up to $60,000 and phased out up to an income of $100,000. Other adoption tax credits have been put forth, but the key element of our adoption tax credit is its full refundability. This provision will allow many couples who may not have a tax liability in a given year to be able to afford to open up their home to a parentless child.

A fully-refundable adoption tax credit is an essential part of any welfare reform measure like the one we have before us.

Our amendment would also provide that employer-provided adoption assistance would be excluded from gross income for taxable purposes. Those receiving assistance from their employer to cover costs over and above the first $5,000—which would be taken care of by the credit—would not have to count that assistance as income. Finally, the amendment provides that withdrawals from an IRA can be made penalty-free and excluded from income if used for qualified adoption expenses. Representative JOSEPH KENNEDY and others are advocating a proposal similar to this in the House.

I believe these changes will go a long way in making adoption a reality for many children and helping them find the loving homes they so desperately need in America. This amendment has the strong support of 14 adoption organizations, which represent more than 1,000 adoption agencies and practitioners. Mr. President, I hope my colleagues will join us in reaching out to families in order to provide a better, brighter future for our children and a heightened degree of appreciation for the potential that adoption holds for our society. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Idaho.

Mr. CRAIG. Mr. President, I am pleased to join my colleague from Alabama [Senator SHELBY] in offering this amendment to provide for a refundable tax credit for adoption expenses.

The PRESIDING OFFICER. If the Senator will suspend, we are under time control. Who yields time to the Senator?

Mr. CRAIG. Excuse me, Mr. President.

Mr. CHAFEE. What is the time situation here?

The PRESIDING OFFICER. The proponents of the amendment have 13 minutes and 33 seconds; opponents, 20 minutes.

Mr. CHAFEE. How much time does the Senator want?

Mr. CRAIG. Five minutes.

Mr. CHAFEE. Fine.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, as I said—and I thank the chairman for yielding—I am pleased to join my colleague from Alabama [Senator SHELBY] in offering this amendment to provide for a refundable tax credit for adoption expenses.

In short, Mr. President, this amendment will amend the Internal Revenue Code of 1986 to provide a refundable tax credit for adoption expenses. This provision will exclude from gross income employee and military adoption assistance benefits and withdrawals from IRA's for use toward adoption expenses.

Some people may ask, ''What does this have to do with welfare?'' It has very little to do with our current welfare system, but a great deal to do with a dramatically reformed system similar to that envisioned in the leader's bill.

Through the use of block grants and other reforms, we are moving away from a welfare system that has created dependency, and into a system that encourages independence.

As part of that, we also hope to see greater strength in the American family, reduce out-of-wedlock births, control welfare spending, and reduce welfare dependence. It is my concern that as we move in this direction, that the Congress needs to make adoption a more viable option for families.

We all read the stories, both happy and tragic, of efforts couples have made to adopt a child. It is my hope that our work here will lead to more happy stories and fewer heartbreaking reports, of the tens of thousands of dollars spent traveling around the world by couples in search of children to adopt to make them a part of their family.

I know this firsthand. Not that I suffered those hardships, but I am an adoptive parent and I adopted the children of my wife and we brought together a family unit. Even then, when there were no obstacles in front of us, the process was challenging in all of the hoops and hurdles that we had to go through to make sure it was done right.

This amendment will give adoptive families a fairer shake. I have introduced similar legislation with other colleagues here in the Senate and hope that they will support this amendment.

Adoption is a viable option that results the best of all worlds: Uniting a wanted child and a loving family. I think we need to keep focused on that fact, and continue our efforts to improve the adoption and foster care approaches that this Senate is so supportive of.

Mr. President, before closing, I want to take a moment to discuss something that was not included in the Republican leadership welfare reform bill.

There is good reason to highlight this item that was excluded, because it will have a big impact on our ability, as a nation, to ensure that there is a safety net to take care of children.

The item that was excluded is the creation of a block grant of the title IV–E foster care and adoption assistance programs.

In fact, both the GOP leadership bill, the Work Opportunity Act of 1995, and the conservative consensus package maintain the title IV–E foster care and adoption assistance programs as entitlements.

Mr. President, we need dramatic reform of our welfare system. And of all of us who have been engaged in that debate here for the last good number of days, the current one-size-fits-all approach of a federally designed and implemented program simply has not served this Nation well nor served those who find themselves in poverty and in need of welfare.

It has also been unsuccessful in relieving poverty. Instead, it finds that

we put families in it and somehow they stay there. Here is an opportunity, as we move out to independence to assure greater chances for children without families, to find those families and families without children—to find those children.

Instead of a program that reaches out to people and families to give them a hand up, we have a program with a hand out that constantly pushes people down and keeps them in the welfare cycle.

The bill we have before us today will provide some of that needed dramatic reform. Changes in programs like aid to families with dependent children [AFDC] may have an impact on foster care services. This will be especially prevalent during the implementation and transition into the reformed welfare system.

The impact of any changes to our welfare system is somewhat unpredictable. Therefore, Republicans here in the Senate have acknowledged that fact, and the need to maintain a safety net for children by maintaining title IV–E as an entitlement.

Mr. President, this issue has been a concern of mine for some time. In Idaho, we have a number of excellent facilities that work with children in group home settings, with an emphasis on reuniting the family when possible. I have been to these facilities, my staff have seen them. The work they do there is nothing short of remarkable.

My concern, Mr. President, is that we have a safety net available to ensure that the children who may be affected will be adequately taken care of through our foster care and adoption assistance programs. If these programs under title IV–E were converted into a block grant with a limited inflation adjuster, there would be little flexibility for States to meet the kind of unforseen demands that can shift children into these programs.

There are also issues outside of welfare reform that affect these programs, such as changes in the economy, demographics and natural disasters. For example, Idaho had a 16-percent increase in the number of child abuses cases last year; many of those children ended up in the foster care system. Again, these are things that cannot be planned for, but add to the burden of the system.

It is important to note that since the foster care and adoption assistance programs were established in 1980, there have been more than 90,000 children with special needs adopted in the United States.

Mr. President, there have been a number of references to those who are affected by what we do here.

I would like to take a moment to share a story about we've been able to accomplish in Idaho with these title IV–E moneys. The Idaho youth ranch runs a family preservation program.

Gina was a 7-year-old girl who was removed from her home by child protective services because her parent neglected to care for her. The goal of the referral was to see if the youth ranch could help the mother respond to the point that Gina and her two younger sibling could return home.

The youth ranch staff began an assessment of the family situation and developed a plan in conjunction with the Child Protective Services staff, mom, and the children.

Through the parent training, supportive services, and help the youth ranch provided, this family is now getting back on track. Mother is now working in a job close to home, has a healthy home environment set up, ready for the children's return, has the kids enrolled in school, and a responsible day care for her youngest child.

The staff at the youth ranch will continue their work after the reunification of the children. It is a happy ending for the family, for the State, and most important, for Gina.

Mr. President, that was quite a lengthy comment, but I felt it was important to note in this debate. In closing, I would just add that I hope my colleagues will support improving access to adoption, and will vote for the Shelby amendment.

So I am proud to support and to be a cosponsor of the amendment of my colleague, Senator SHELBY, and his concerted effort.

Mr. CHAFEE. Mr. President, I would like to ask the proponent of the amendment a question.

As I understand, this is going to cost $1.4 billion over 5 years. Has the Senator a method of paying for this?

Mr. SHELBY. Would the Senator from Rhode Island state the question again?

Mr. CHAFEE. It is my understanding that this amendment will cost, over 5 years, $1.4 billion.

Mr. SHELBY. The Senator is correct. The revenue loss is projected to be $1.4 billion over 5 years but the underlying bill will result in savings of over $40 billion over 5 years.

Mr. CHAFEE. I know we are going to have further discussion because I think there is a point of order that lies that is going to be raised. But I would point out that everything that comes in theory out of savings is something that the Finance Committee has to come up and pay for. We have just concluded a long meeting in connection with Medicare, and the difficulty of coming up with savings was made clear to us at that gathering.

So, Mr. President, if there is no further discussion, I suggest the absence of a quorum, and this will be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I yield 3 minutes of time to the Senator from Texas, [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. GRAMM. Mr. President, I rise in strong support of the Shelby amendment.

What the Shelby amendment does is it tries to provide tax equity to people who adopt children and in the process, provide a home and environment that represents our only sure-fire, guaranteed way to break the poverty cycle—allowing people the opportunity to escape from poverty and use their God-given talents.

One of the reasons I feel so strongly about not giving people more and more money to have more and more children on welfare is that I am convinced if we stopped giving people cash bonuses to have more children on welfare and adopt the Shelby amendment giving tax equity to people who adopt children on a par with people who are having them, then we have an opportunity to find a home for every child born in America. That can solve not only the welfare problem but many other problems in the country.

I do not know how our colleagues on the other side of the aisle are going to vote on this amendment, but I would simply like to note this paradox. In the compromises that have taken place in the last 2 hours in an effort to pass this bill, an initial agreement has been made which will spend $4 billion on programs that in all probability will do virtually nothing to help break the poverty cycle and will do virtually nothing to guarantee that people see an improvement in their lives.

However, by giving tax equity to people who adopt children—up to $5,000 in tax credits to cover the costs they incur in adoption—we can guarantee that people will be able to adopt more children, bringing them into their homes, giving them love, and improving the lives of those children. I think this is an important amendment, and I think if we can follow it up someday with an amendment to streamline the adoption process, making it easier for people to adopt children, we can make a dramatic difference.

One of our colleague's wives was in Bangladesh—I ask for an additional minute.

Mr. SHELBY. I yield an additional minute.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. GRAMM. As I look at the Shelby amendment, it reminds me of a statement made by Cindy McCain, Senator MCCAIN's wife. When she was in Bangladesh, there was this baby girl who had been set aside to die because she had a cleft palate. Cindy McCain decided that she was going to bring that little girl back to the United States of America and adopt her. Her point was, I cannot solve the problems of every

child in the world, but I can solve this child's problem.

What the Shelby amendment does is let other people who want to solve this problem one child at a time, do it. So, I think, this is an important amendment. I hope it will be adopted, and I urge my colleagues to vote for it.

I congratulate the distinguished Senator from Alabama. This provision was in our original welfare bill that Senator SHELBY and other conservative Republicans and I put together. I think it is an important addition to this bill, and, quite frankly, of all the things we have talked about here, this is clearly welfare reform.

I thank the Chair for its indulgence.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I would simply make the point as a member of the Finance Committee that we have not considered this measure. It is a new credit that would be created without the means to pay for it. The proposal would cost $3 billion in revenues over the next 10 years, and there is no provision to pay for it.

There is strong sentiment in favor of it; I can sense it. I understand that and share it, but it is a doubtful measure to be adopted at this point, and yet we have a long conference committee procedure before us and that may be the time to address it. I will leave it at that.

Mr. COATS. Mr. President, over the past 25 years there has been a dramatic increase in the number of children born out of wedlock, children being raised by single parents, and children entering the foster care system because of abuse, neglect, or abandonment. Family disintegration is widespread.

At the same time we have experienced an increase in family disintegration, we have seen a sharp decrease in the number of children being adopted, with formal adoptions dropping by almost 50 percent: from 89,000 in 1970 to a fairly constant 50,000 annually throughout the 1980's into the 1990's. On any given day, 37,000 children in foster care are legally free and waiting—to be adopted.

Why are children waiting? Why aren't families adopting? The reason, I propose, is not a lack of compassion on the part of families. Many thousands of families would be eager to adopt were it not for the costs can be prohibitive for working class families. The average cost of an adoption is $14,000 and it is not uncommon for this figure to reach upwards of $25,000.

Adoption is the compassionate response to children in need of a home. Yet, there is currently inequity in the tax system. While certain medical expenses related to the conception, delivery, and birth of a child may be deducted as medical expenses, no similar relief is available for adoptive families.

Mr. President, I, like many of my colleagues know the sacrifice required of parents. Children require 100 percent of us, 100 percent of the time. The financial burden can be significant. The time element, balancing the needs of work and family—these are all very significant. Yet there are thousands who make that sacrifice every day for children they have lovingly adopted into their family, and many thousands more who would—but for the costs. The Shelby amendment will put adoption within the reach of many families, and make an important public policy statement about the value and respect we have for the institution of adoption.

I've heard some say adoption tax credits should be limited to children with special needs. Well, I believe that every child in need of adoption is a child with a special need for a loving, and permanent home.

Money should never be a barrier to adoption. Adoption should be encouraged as a compassionate response to children of parents who find themselves unable or unwilling to care for them. These families deserve our support, and deserve to be treated the same as families formed biologically. The Shelby amendment sends a strong message that adoption is a valued way of building a family.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. CHAFEE. I yield——

Mr. DOMENICI. I do not need much time. One minute.

Mr. CHAFEE. Three minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

Mr. DOMENICI. Mr. President, I commend Senator SHELBY for the amendment.

Frankly, I believe in this sea of problems with reference to unwed pregnancies and welfare children of this country, which are growing like a volcano erupting on America, this obviously attempts to address a very serious problem; that we are in need of more adoptions by good people who will raise children well in a good household. This amendment attempts to do that.

Frankly, it has a problem, a technical problem. I think that is well known. Senator MOYNIHAN expressed it. This is not a measure in which you can have tax credits and not pay for them. In a very real sense, it could be subject to a point of order. I, for one, believe we ought not raise it. We ought to vote on it, if that is what the distinguished Senator wants. And then it will take care of itself in terms of the tax provisions whether they will remain in the welfare bill or whether they will be taken care of in reconciliation as part of the tax bill. We can find out. We can wait and see. But essentially I think it is such a good idea that we ought to make sure it is done.

Now, if somebody raises the point of order, I would say tonight I would join in trying to waive it with my good friend from Alabama.

Mr. SHELBY. I thank the Senator.

Mr. DOMENICI. So I do not think we ought to do that. I hope we will not.

I compliment the Senator on the amendment and hope it passes here tonight one way or the other.

I yield the floor.

I thank Senator CHAFEE.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I think the distinguished ranking member of the Finance Committee made some good points, as has everybody else here today. This is a very commendable amendment. Although it is an amendment we have not had a chance to consider in the Finance Committee, it is a matter that will come before us when we are dealing with the tax provisions that we are surely going to get to later this year. And so, therefore, I am prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

All those in favor——

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum until there is a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on the Shelby amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Now, Mr. President, I would ask unanimous consent that the vote on the Shelby amendment be put off until 8 p.m.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. A point of clarification, please, from the Chair.

Would the Mikulski amendment be the next amendment in order? Is there a Mikulski amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRYOR. And are we going to, on subsequent amendments—if I might ask the Chair, is it correct that we are going to basically stack the votes at approximately 8 p.m.?

The PRESIDING OFFICER. There has been no order.

There is a unanimous consent request pending that the Shelby amendment be voted on at 8 p.m.

Mr. PRYOR. For the benefit of our colleagues, I have been informed that

is merely the intention. But it is the intention to basically stack votes that are considered between now and 8 p.m., stack those votes at 8 p.m.

The PRESIDING OFFICER. Is there objection to the request that the vote on the Shelby amendment occur at 8?

Without objection, it is so ordered.

Mr. CHAFEE. Now, Mr. President, we have a list here. And Senator MIKULSKI is not here. I notice Senator FEINSTEIN is here.

Mr. President, is there any defined order that has previously been arranged?

The PRESIDING OFFICER. The Senator is correct. There is a defined order. The Mikulski amendment is the next pending business. It would require a unanimous consent agreement to set it aside to deal with the Feinstein amendment.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2669

Ms. MIKULSKI. Mr. President, I wish to send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendment numbered 2669.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the Friday, September 8, 1995, edition of the RECORD.)

Ms. MIKULSKI. Thank you, Mr. President.

Mr. President, my amendment deals with the role of men and how we can bring men back into the family, how we can eliminate marriage penalties and begin to really work toward two-parent households once again among the poor.

One of the missing discussions in this year's welfare debate is how we involve fathers with their families. We can do that through tougher child support laws and, yes, it is true we need to crack down on deadbeat dads. But you know, Democrats and Republicans all agree that we need to have major child support reform to do that. But, quite frankly, men, fathers are more than a child support check.

Our focus needs to be on the issues related to child rearing as much as child support. We need to get the men involved in the rearing of their own children and we do that by promoting two-parent families.

Earlier this year, the nonpartisan Casey Foundation, which I am proud to say is headquartered in Baltimore, released their 1995 report called ''Kids Count.'' It focused exclusively on the need to promote fathers as part of our Nation's strategy to reform welfare.

One of the most compelling things that they outlined was the devastating effect on children when fathers are absent from the home. The Casey Foundation said this:

Children in father-absent families are five times more likely to be poor and 10 times more likely to be extremely poor.

Children of single mothers are twice as likely to become high-school dropouts. These kids are more likely to end up in foster or group care or, even worse, in juvenile justice facilities.

The Casey Foundation went on to tell us that:

Girls from single-parent families have three times greater risk of bearing children as unwed teenagers.

Often in the debate, and I know the Senator from New York, Senator MOYNIHAN, has often commented on the problems related to single-parent families, we often overlook the role of what happens to girls.

And boys whose fathers are absent face a much higher probability of growing up unemployed, incarcerated, and uninvolved with their own children.

During this welfare debate, we have heard about the staggering rise in illegitimacy and the households headed by single parents. Much of this rhetoric has focused on solving the problems through punishing the mother. They aim for the mother but, in turn, hit the child.

The proposed solutions do not get at the heart of why we have fewer two-parent families, which is simply the decline in jobs that pay a family wage and the penalties in our public policy that work against the two-parent family.

The chart next to me contains data from the ''1995 Kids Count'' report and it makes it graphically. Between 1969 and 1993, the percentage of children under 18 living in households headed by women jumped from 11 percent to 24 percent. During that same 23-year period, the number of men between the ages of 25 and 34 who did not earn enough to support a family of four jumped from 14 percent to 32 percent.

The link is clear. If employment opportunities do not exist for men who are poor, it is unlikely they will get married. In fact, the ''Kids Count'' report points out most women consider a stable income an important element in choosing someone to marry.

The Republican welfare bill is either silent on solutions or it focuses on the mother as the only solution, or actually it attacks the mother. In fact, it is what I have called ''the parent trap.'' They say they want women on welfare to get married and require tougher work requirements for people who end up getting married. The Republican bill allows States to impose family caps, but it never asks States to develop programs that will bring families together.

Their bill also allows State welfare programs to cut families off if a father actually works too many hours. So we are going to penalize the father for being in the home, and we are going to penalize him for working too many hours. Hey, that is not the way to reform welfare or to move the poor out of poverty.

It also allows a father's child support check to go to a State bureaucracy instead of directly to the family.

We Democrats are serious about welfare reform, and we are serious about strengthening the family in this process. We aim for real reform by protecting the child, helping the mother and involving the father.

The amendment that the Senator from New Jersey and I have proposed seeks to end this ''parent trap'' and instead include real solutions that promote two-parent families. We will do this in our amendment by, first, job placement for noncustodial fathers. This amendment sets aside a very small amount of money in the welfare block grant for States to enroll unemployed fathers in job training and placement so they can meet their child support and family obligations. Employing these fathers is the most significant step we can take to promote two-parent families. In addition, the cost of this effort will be partially offset by increased child support payments as a result of the jobs which these fathers would have.

Second, our amendment prevents States from creating welfare rules that penalize marriage. The amendment prevents States from reenacting the current AFDC man in the house rule at the State level that pushes the man out of the family.

Third, it promotes marriage and not punishment.

And fourth, we pay child support to mothers, not State bureaucrats. What do I mean? It means that, first of all, we have a rule called the man in the house rule. If you are a father living at home and you work over 100 hours a month, regardless of what you earn, your family is cut off from assistance.

This is unacceptable. We need to promote and require work, and eligibility for assistance should be based on what you earn, not the number of hours it takes to earn it.

Third, promote marriage. For those States that impose a family cap, the amendment would require them to come up with some incentives that promote marriage. If we are serious about strengthening families, let us not just cut people off and make no effort to encourage marriage.

And fourth, pay child support to mothers not State bureaucrats. In my own State of Maryland, I had a roundtable with dads who are meeting their family obligations, but they told me how frustrating it was when they wrote their child support check it went into some big bureaucracy and when they went to visit their child, there had been no linkage between dad being the

provider and their family actually experiencing that and the check still coming from the welfare department.

As a result, our amendment requires States to pass through the first $50 in a monthly child support payment to the family.

Mr. President, my amendment has many other components to it. I could speak on many elements in this program. We deal particularly with helping interstate child custody orders and others. But I want to say this. Our amendment is good for fathers and their children. It recognizes that men are not only child support checks, but they must be involved as fathers. I want them not only paying child support, I want them to be a link within the family itself. The dad is not in the home, but still there is a relationship.

Second, where possible, to be able to promote the family and get the dad back in the home.

Mr. President, I know that the Senator from New Jersey wishes to speak on this amendment. How much time do we have left on our side?

The PRESIDING OFFICER. One minute and twelve seconds.

Mr. CHAFEE. Mr. President, let me say this. We are not going to consume our full 10 minutes. Does the Senator from New Jersey want a couple minutes from us? Three minutes for the Senator from our allotment of time.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 4 minutes.

Mr. BRADLEY. Mr. President, I rise in support of this amendment. I thank the Senator from Maryland for offering it. I think it makes one very clear point, and that is children that grow up in two-parent families have a better chance than children who grow up in single-parent families. That does not mean that there are not a lot of single mothers who do a heroic job out there raising children against the odds, who teach them how to work hard and how to advance. It simply means that two incomes are better than one and that two supervisors are better than one.

It is very interesting, because in the course of this debate, we discussed the family cap which says if you have an additional child, if you are on welfare, that child does not receive a payment.

In my State of New Jersey, that would mean about $64 a month. We have the only family cap experiment in the country in New Jersey, and we deny a benefit to an additional child to a mother who is on welfare. But we also have a provision in the law that rewards marriage. It says that if a woman on welfare is married, her husband's income will not push her off of eligibility for welfare, up to about $21,000 in combined income.

So what the distinguished Senator from Maryland is stating with this amendment is that we should have incentives in the welfare system for single parents to get married. We have that in the experiment in New Jersey at the moment. It is only a year old, so we do not have any conclusive results. I think it is an important amendment. That, then, underlines the deeper point the Senator from Maryland is making, which is that it is important in every child's life to have a father as well as a mother, a father involved with time and resources. It is very important.

So I salute the Senator, and I cosponsor the amendment and hope that it will be adopted.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Jersey. I also thank the Senator from Rhode Island for yielding him some time. I will ask for the yeas and nays, but I presume the Senator from Rhode Island wants to speak.

Mr. CHAFEE. Yes, obviously, on my time. I have a couple of questions. This is an interesting amendment and rather a broad one, as I understand it. I think the Senator from Pennsylvania has some comments that will delve into matters that otherwise I might have covered.

I have two questions. One, does the Senator from Maryland know what this would cost?

The second question is, Does she have some way of paying for it?

Ms. MIKULSKI. I believe this will cost $920 million over a 7-year period. We hope that part of the money will come from, first of all, child support itself. No. 2, by bringing men back into the family, which will decrease the need for public assistance. I am looking at the memo here on exactly where that comes from. I do not have an offset for this. I believe we were going to accept an adoption amendment which will cost $3 billion—and, by the way, I was a foster care worker and also involved in adoption work many years ago. So I support that amendment. But, there is not a cost that you can put on bringing a dad back into the home. If it is going to cost us a couple of bucks to do that, I think the long-term savings—you might think it is amusing, but I do not think it is.

Mr. CHAFEE. I remind the Senator that she is on my time.

Ms. MIKULSKI. You know what? I am.

Mr. CHAFEE. I know the Senator is being facetious. I do not want to take her up on it too much. But a billion dollars is really what it is. She was being facetious when she used the words ''a couple of bucks,'' but I am not going to dwell on that.

But we have a real problem here, Mr. President. Everybody is coming forward with amendments—wonderful amendments and good things, undoubtedly. But there is no method of paying for them. All that means is that those of us on the Finance Committee have to somehow come and make up that money. We are having terrible times coming up with amounts that we are designated to provide anyway. We have to come up with $530 billion, and to load on $1 billion more in this bill—and other moneys have been expended in other measures that come before us.

So I am, reluctantly, going to have to oppose the Senator's measure. I know the Senator from Pennsylvania has comments.

Mr. SANTORUM. I thank the Senator.

I just say that in addition to the billion dollars this spends, I question the rationale behind this. What this amendment says is, if you are a noncustodial parent you are eligible to participate in the job training and employment programs of the State. And you are eligible, if your child is receiving welfare, or if you are a noncustodial parent that owes past child support, even if you are a deadbeat dad. So if you are a father who does not support his kids and they are on welfare, or you do not pay child support, we will put you in a job training program or give you a job. I question that we are going to spend $650 million of new money on providing job training for deadbeat dads.

You can say we are going to bring families together. This is a nice benefit for someone who is doing something you do not want them to do. I do not think we should be rewarding people who are turning their backs on their children. I think that is questionable.

The other portion of the bill—and I know this is a lengthy amendment and has many different sections. I know there is one here that has the $50 pass-through, which is the first $50 of child support paid by a father, who is in arrears on his child support, goes directly—excuse me, the mother is on welfare, goes directly to the mother, not the State, to offset the benefits the State is paying the mother. This is something that is in current practice. Every State child support agency tells us that this is not a good provision. It does not help fathers or encourage fathers to pay any of this child support. It is simply $50 that the State does not get that they are now paying as an offset for AFDC. This is not proven to be incentive. It does not work. It is something that we, at their suggestion, have dropped in the Dole amendment, and now they are trying to put it back in, and it costs money and does not provide incentive to pay back child support or child support to somebody on welfare.

The cost is a billion dollars. We are going to be providing jobs and job training to deadbeat dads, fathers who allow their children to go on welfare. And there is the $50 pass-through. I think this, again, may be well-meaning. We may want to help fathers get back with their families and bring families together, but I do not think providing money to deadbeat dads for job training is the way I would go about doing it.

Ms. MIKULSKI. Will the Senator yield for a question?

Mr. SANTORUM. On whatever time I have remaining, I will do so, sure.

The PRESIDING OFFICER. The Senator has 1 minute 7 seconds.

Ms. MIKULSKI. Does the Senator think that simply because a father is

in arrears on child support, he is a deadbeat and wants to abdicate his responsibility? Because, for whatever reason, earlier in their life, maybe he did not complete school, and he needs job training to get back into the labor market in order to assume his responsibility. That is what is behind our motivation in that part.

Mr. SANTORUM. I understand there may be such cases that you mention. But I think the broader point is whether, when we have people who have violated their responsibilities to their children, we should now create a separate Government program to train them for jobs or create jobs for them. I understand there may be circumstances where people, well-meaning, could not pay their child support. But at the same time, you want to set up a program because they have done that, apart from someone else who may be paying their child support and working two and three jobs to make sure they keep up. We do not help them at all, or train them, or do anything for them. That is a bad precedent. We should not be providing this kind of money for people who are shirking the responsibilities of their children.

The PRESIDING OFFICER. All time of the opponents has expired.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays and that the vote occur in whatever order or whatever time that was in the unanimous-consent agreement.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur as indicated.

Mr. CHAFEE. Mr. President, subject to changes in the future, that vote on the Mikulski amendment would occur after the vote on the Shelby amendment which is scheduled to occur at 8 o'clock.

Next on our list, we have Senator FEINSTEIN who I understand has two amendments, each with 20 minutes equally divided. If the Senator would be good enough to identify which amendment she is discussing.

AMENDMENT NO. 2478

Mrs. FEINSTEIN. Mr. President, to the managing Senator, the amendment I call up is amendment No. 2478.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 2478.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the Friday, September 8, 1995, edition of the RECORD.)

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Senator KENNEDY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, this amendment strikes the language in the Dole bill which precludes a naturalized citizen from obtaining at any time any cash or noncash welfare benefit.

The language in this bill, as presently drafted, is the first time in the history of the United States that naturalized citizens would be treated differently than native-born citizens.

The Constitution of the United States says that there is only one instance where there is a difference between the two; that is, one who seeks the Presidency of the United States.

My mother became a naturalized citizen. My mother had very little formal education. She had difficulty reading and writing. She had to take the test three times before she became a citizen. I have to say the day she was naturalized she was prouder than any time in her life that I can remember. It meant a great deal because she was as good as any American citizen in her eyes. That is a very big thing.

The amendment I am proposing is supported by the Department of Justice. I ask unanimous consent that a letter to Senator KENNEDY from Justice, pointing out serious concerns about section 204's constitutionality as applied to naturalized citizens, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mrs. FEINSTEIN. It is supported by the National Governors' Association, the National Conference of State Legislatures, and the American Bar Association.

Mr. President, I ask unanimous consent that a letter from the Bar Association and the Governors' Association be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 2.)

Mrs. FEINSTEIN. It is supported by the National Association of Counties, the National League of Cities, the U.S. Catholic Conference, and the Leadership Conference on Civil Rights, as well as several other organizations.

I believe that we are essentially a nation of immigrants. I sit as a new member of the Immigration Subcommittee and I know there is a legitimate reason that the Government should try to dissuade, in any way we can, people from becoming naturalized simply to gain welfare. There is no question about it. I believe the immigration bill that we have marked up in the Immigration Subcommittee deals with that.

What this bill does is it says that if you are a naturalized citizen—and let me give some specific examples. Take my mother's case and put it in the present day. My mother came to this country at the age of 3. Supposing her mother was naturalized, that would make her a naturalized citizen. Then supposing my mother did want to go to college, which she never had an opportunity to do, she would be eligible for a loan program. Under this bill, as drafted, my mother would never be eligible as a naturalized citizen for a program. Even Medicaid, she would not be eligible for it.

Taking my mother again, say my mother came to this country as a spouse, never worked, was naturalized, was a naturalized citizen for 20 years. Say my father left her and she was destitute. She would not have access to any aid program, cash or noncash, the way the bill is presently drafted. The language before the Senate simply deletes this language and keeps a class of ''American citizen'' as one class. If you are naturalized, you are as good as someone who is born anywhere in this great country.

I yield the floor.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 18, 1995.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: This letter follows your question to Attorney General Janet Reno regarding the constitutionality of the deeming provisions in pending immigration legislation at the Senate Judiciary Committee's oversight hearing on June 27.

You have asked for our views regarding the ''deeming'' provisions of section 204 of S. 269, Senator Simpson's proposed immigration legislation. Our comment here is limited to the questions raised by application of section 204 to naturalized citizens.

We have serious concerns about section 204's constitutionality as applied to naturalized citizens. So applied, the deeming provisions would operate to deny, or reduce eligibility for, a variety of benefits including student financial assistance and welfare benefits to certain United States citizens because they were born outside the country. This appears to be an unprecedented result. Current federal deeming provisions under various benefits programs operate only as against aliens, (see e.g., 42 U.S.C. §615 (AFDC); 7 U.S.C. 2014(i) (Food Stamps) and we are not aware of any comparable restrictions on citizen eligibility for federal assistance. As a matter of policy, we think it would be a mistake to begin now to relegate naturalized citizens—who have demonstrated their commitment to our country by undergoing the naturalization process—to a kind of second-class status.

The provision might be defended legally on the grounds that it is an exercise of Congress' plenary authority to regulate immigration and naturalization, or, more specifically, to set the terms under which persons may enter the United States and become citizens. See *Mathews* v. *Diaz*, 426 U.S. 67 (1976); *Toll* v. *Moreno*, 458 U.S. 1, 10–11 (1982). We are not convinced that this defense would prove persuasive. Though Congress undoubtedly has power to impose conditions precedent on entry and naturalization, the provision at issue here would function as a condition subsequent, applying to entrants even after they become citizens. It is not at all clear that Congress' immigration and naturalization power extends this far.

While the rights of citizenship of the native born derive from §1 of the Fourteenth Amendment and the rights of the naturalized citizen derive from satisfying, free of fraud, the requirements set by Congress, the latter, apart from the exception noted [constitutional eligibility for President], becomes a member of the society, possessing all the

rights of a native citizen, and standing, in the view of the constitution, on the footing of a native. The constitution does not authorize Congress to enlarge or abridge those rights. The simply power of the national Legislature, is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual.

Schneider v. *Rusk*, 377 U.S. 163, 166 (1964) (internal quotations omitted) (statutory restriction on length foreign residence applied to naturalized but not native born citizens violates Fifth Amendment equal protection component).

Alternatively, it might be argued in defense of the provision that it classifies not by reference to citizenship at all, but rather on the basis of sponsorship; only those naturalized citizens with sponsors will be affected. Again, we have doubts about whether this characterization of the provision would be accepted. State courts have rejected an analogous position with respect to state deeming provisions, finding that the provisions constitute impermissible discrimination based on alienage despite the fact that they reach only sponsored aliens. See *Barannikov* v. *Town of Greenwich*, 643 A.2d 251, 263–64 (Conn. 1994); *El Souri* v. *Dep't of Social Services*, 414 N.W. 2d 679, 682–83 (Mich. 1987). Because the deeming provision in question here, as applied to citizens, is directed at and reaches only naturalized citizens, the same reasoning would compel the conclusion that it constitutes discrimination against naturalized citizens. *Cf. Nyquist* v. *Mauclet*, 432 U.S. 1, 9 (1977) (''The important points are that [the law] is directed at aliens and that only aliens are harmed by it. The fact that the statute is not an absolute bar does not mean that it does not discriminate against the class.'') Invalidating state law denying some, but not all, resident aliens financial assistance for higher education.

So understood, the deeming provision, as applied to citizens, would contravene the basic equal protection tenet that ''the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive.'' Schneider, 377 U.S. at 165. To the same effect, the provision might be viewed as a classification based on national origin; among citizens otherwise eligible for government assistance, the class excluded by operation of the deeming provision is limited to those born outside the United States. A classification based on national origin, of course, is subject to strict scrutiny under equal protection review, see *Korematsu* v. *United States*, 323 U.S. 214 (1944), and it is unlikely that the deeming provision could be justified under this standard. See Barannikova 643 A.2d at 265 (invalidating state deeming provision under strict scrutiny); El Souri, 414 N.W.2d at 683 (same).

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

EXHIBIT 2

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, September 12, 1995.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: As the Senate moves to consideration of welfare reform legislation, I want to share my serious concerns with you about the legal immigrant provisions included in this bill. As the Mayor of New York City, a city that has benefited immensely from the economic, cultural, and social contributions of immigrants, I am particularly troubled by unprecedented efforts to limit benefits to legal immigrants and unfairly target them.

The Senate welfare reform package, for the first time, would impose extraordinary restrictions on qualified immigrants' access to many federal benefit programs. The Senate proposal would also extend sponsor deeming to a broad range of programs not presently covered by deeming restrictions. This proposal is likely to restrict benefits to some legal immigrants even after they become naturalized citizens, thereby creating a second class of U.S. citizenship. Like yourself, I believe that extending deeming beyond citizenship is unwise public policy and may prove unconstitutional, and I support your efforts to end deeming upon citizenship. In addition, I also support your attempts to limit deeming to cash assistance programs only and not to Medicaid or other non-cash assistance programs.

While the denial of benefits to legal immigrants is patently unfair to taxpaying residents, it will also result in considerable cost-shifting to local and state governments. Because the federal government has sole responsibility over immigration policy, it must bear the concomitant responsibility of serving the legal immigrants it permits to enter states and localities. I am deeply concerned that denying benefits to legal immigrants or extending deeming beyond citizenship will not eliminate needs and, subsequently, force state and local governments to bear the financial consequences of unwise policy decisions. The Senate welfare reform package fails to provide states and localities with funding for expected high administrative costs associated with implementing this proposal, and is an unfunded mandate that New York and other cities should not have to bear.

Finally, I am concerned about potential efforts to amend the Senate bill and federalize many of the harshest provisions from California's Proposition 187. Such an approach would deny services to illegal immigrants without regard to the dangers it would create for American cities. The problems of illegal immigration in our country is the result of the federal government's inability to patrol its borders and implement an effective deportation strategy. Adoption of a federal Proposition 187 will do nothing to address the overall problem of illegal immigration, but instead will further highlight the federal government's failure to enforce adequately our nation's immigration laws and policies.

If California's Proposition 187 becomes the law of the land, the results for cities heavily impacted by illegal immigration, such as New York, would be catastrophic. I urge you to consider these possible scenarios. Faced with the threat of deportation, many families would forego needed medical care, keep their children out of school, and refuse to report crime, or act as a witness in criminal cases. Immigrant children kept out of school would be denied their only chance at assimilation and productive futures, and, as a result, many turn to the streets, and illegal activities. Communicable diseases might well would go untreated if immigrants are denied access to treatment. In addition, many crimes would go unreported by illegal immigrants desperate to avoid contact with the police.

As the Senate debates welfare reform legislation over the coming days, I am hopeful that the Senate will approve your amendments and remove the bill's burdensome restrictions placed on legal immigrants, and oppose any efforts to federalize Proposition 187. Thank you for your good work on this bill and for your consideration of New York City's views on this important legislation.

Sincerely,

RUDOLPH W. GIULIANI,
Mayor.

NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL GOVERNORS' ASSOCIATION, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES,
September 6, 1995.

DEAR SENATOR: The National Conference of State Legislatures (NCSL), the National Governors' Association (NGA), the National Association of Counties (NACo) and the National League of Cities (NLC) firmly believe that the federal government is responsible for providing funds to pay for the consequences of its immigration policy decisions. As you consider welfare reform legislation on the Senate floor this week, we urge you to support amendments which will protect states and localities from immigration cost-shifts and unfunded mandates. State and local governments cannot and should not be the safety net for federal policy decisions. The federal government has sole jurisdiction over immigration policy and must bear the responsibility to serve the legal immigrants it allows to enter states and localities.

Eliminating benefits to legal immigrants or deeming for unreasonably long periods will not eliminate needs. State and local budgets and taxpayers will bear the burden under either of these options. Denial of services to legal immigrants by states and localities appears to violate both state and federal constitutional provisions. As a result of the 1971 Supreme Court decisions *Graham* v. *Richardson*, states and localities may not exclude persons from participating in their welfare programs on the basis of lawful alienage. Although the federal government has the option to drop legal immigrants from its welfare rolls, states and localities may not. We continue to support making affidavits of support legally binding and imposing a limited deeming period.

We understand that welfare reform proposals are likely to extend sponsor deeming over a broad range of programs not presently covered by deeming restrictions. These proposals are also likely to restrict benefits to some legal immigrants even after they become naturalized citizens. We believe that sponsor deeming should be used in a more targeted fashion to limit the financial and administrative burdens states and localities will face in implementing an extended deeming policy. First, deeming should end when an immigrant becomes a naturalized citizen. Second, deeming should cover cash assistance programs only and not be extended to Medicaid, child protective services, or other non-cash assistance programs. Lastly, certain groups of immigrants should not face deeming under any circumstances, specifically legal immigrants over the age of 75 and those who are victims of domestic violence.

Sincrely,

WILLIAM T. POUND,
Executive Director, National Conference of State Legislatures.
RAYMOND C. SCHEPPACH,
Executive Director, National Governors' Association.
LARRY NASKE,
Executive Director, National Association of Counties.
DONALD J. BORUT,
Executive Director, National League of Cities.

Mr. SIMPSON. Mr. President, I believe I have 10 minutes to speak in opposition to the amendment of Senator FEINSTEIN.

I admire the Senator greatly. She has contributed so much, so vigorously, to my efforts and members of the subcommittee.

This is an issue of an honest difference of opinion. I oppose the amendment for several reasons. I hope that my colleague will hear them clearly.

To begin, I want to put to rest some serious misconceptions about the sponsor alien deeming—the ''deeming'' provisions in this bill.

Please know that the bill's immigrants provisions do not affect anyone in the United States who is already a naturalized citizen. Please hear that.

Similarly, noncitizens within the United States who become citizens will also be wholly unaffected by the bill's immigrants provision.

Deeming provisions which the Feinstein amendment seeks to alter affect only those who immigrate after enactment. This Nation's policy on welfare used by immigrants should conform, in my mind, to three basic principle: First, the newcomers should be self-supporting. That is our Nation's first general immigration law. That was put on the books in 1882. It prohibited the entry of individuals likely to become a public charge. To this day our law prevents the immigration of those who are ''likely at any time'' to become a public charge or to use welfare. That is the language—''likely at any time.''

Second, if a friend or a relative has promised to the U.S. Government that the newcomer will not require public assistance as a condition of that person's entry into the United States, and that is the condition, then it is the responsibility of that sponsor, that friend or relative who has promised the support, to provide aid before the newcomer turns to the American taxpayers for relief.

Third, the welfare system should not induce immigrants to naturalize for the wrong reasons; for example, to obtain access to welfare. We should avoid provisions which would enable a recent immigrant to obtain a benefit or a sponsor to avoid responsibility solely by naturalizing.

If we do not require the sponsored individual to disclose this particular asset in this situation—and that is the sponsor's contract to provide financial support and have it considered in the welfare determination—then we are treating the naturalized citizen better than we do the native-born citizen.

I hope my colleague will hear that. When native-born citizens apply for welfare, they have to disclose their assets and their income, including court-mandated payments such as alimony or child support, or any contractual obligation.

Under the welfare reform bill, a native-born citizen and a naturalized citizen would be treated exactly the same. There is no second-class citizen status. Both would be required to disclose all assets and income which reduce ''the need'' for public assistance.

If naturalization enables both the sponsored individual and the welfare provider to ignore an individual's right to receive support from the sponsor, then the taxpayers will be much more likely, and, of course, the sponsors less likely, to provide the needed assistance.

Also, immigrants would have a very strong incentive to naturalize for all of the wrong reasons, and the wrong reasons are to receive public assistance.

One of the principal reasons for the general animosity toward immigrants' use of welfare is that many naturalized citizens have brought their elderly parents to the United States where after 3 to 5 years, a period of deeming, the immigrant's parents receive SSI for the elderly. These elderly parents, who have never contributed to our system in any way, then receive a generous pension for the rest of their lives from the American taxpayer. And if deeming is ended, simply by naturalization, then the immigrants could receive the welfare just as if the sponsor's legalization, or legal obligation, never existed—and as early as 5 years after entry, to boot.

Immigrants, I think, should naturalize because of a personal commitment to the democratic ideals and constitutional principles that America represents, and that, namely, is liberty and democracy and equal opportunity—not in order to find access and enter into the welfare system.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, may I ask how many minutes are remaining of my time?

The PRESIDING OFFICER. The Senator from California has 5 minutes and 46 seconds.

Mr. KENNEDY. Mr. President, I rise in support of the amendment of the Senator from California, which would require that the immigrant deeming requirements of the Dole bill end once the immigrant becomes a U.S. citizen.

One of the fundamental principles of our Constitution is the equal treatment of all American citizens, regardless of race, sex, creed, or national origin. It is enshrined in the Bill of Rights and the 14th amendment. The Supreme Court has held repeatedly that there is only one area in which naturalized citizens do not have the same rights and privileges as the native-born—and that is in becoming President.

The Dole bill departs from this basic American principle. It says that if you are a naturalized citizen of this country and fall on hard times, the welfare rules that applied to you as an immigrant could still apply. The income of your sponsor can be deemed as your own income in determining your eligibility for assistance, even though you are now an American citizen.

This is second-class citizenship. This rule does not apply to native-born citizens—only naturalized Americans. If you native-born mother or brother needs Medicaid, the Government does not consider your income in deciding whether they are eligible. But under this bill, if they are naturalized citizens, and if you sponsored them in coming to the United States—even if you did so years ago—the government could still count your income in determining their eligibility for help.

At a Justice Department oversight hearing on June 27, I asked Attorney General Janet Reno about this proposal. She responded, ''Our Office of Legal Counsel has examined this provision * * * and it has very serious concerns about its constitutionality as applied to naturalized citizens.''

An opinion I received from the Justice Department on July 18 elaborates on the Attorney General's statement. It says:

> Because the deeming provision in question here as applied to citizens, is directed at and reaches only naturalized citizens, (this) compels the conclusion that it constitutes discrimination against naturalized citizens.

The opinion further states that:

> As a matter of policy, we think it would be a mistake to begin now to relegate naturalized citizens—who have demonstrated their commitment to our country by undergoing the naturalization process—to a kind of second-class status.

The Supreme Court has clearly said that distinctions between native-born and naturalized citizens are unconstitutional. In 1964, in Schneider versus Rusk, the Court emphasized that ''the rights of citizenship of the native born and of the naturalized person are of the same dignity and are coextensive.''

Some argue that in bringing an immigrant to this country, the sponsor enters into a contract, promising to assist the immigrant for a specified period, whether or not the immigrant becomes a citizen in the meantime. They argue that this contractual commitment is like a trust—and that a trust is considered in determining eligibility for welfare, whether or not the applicant is a native-born citizen or naturalized.

However, the fact remains that this kind of arrangement—the deeming of a sponsor's income—is one which would only apply to naturalized citizens. For this reason, the Justice Department regards it as national origins discrimination, since—

> Among citizens otherwise eligible for government assistance, the class excluded by operation of the deeming provision is limited to those born outside the United States.

Those who naturalize and become citizens have made a substantial commitment to this country. They will have been here for at least 6 or 7 years—5 years to qualify for citizenship and 1 to 2 years to complete the naturalization process. They are required under our laws to have demonstrated

good moral character for the years preceding their naturalization. Most likely, they have worked and paid taxes throughout this period. And they have chosen America as the place to raise their children and build their futures.

American citizens are American citizens, whether by birth or by choice. We should not undermine this fundamental principle of our Constitution. I urge the adoption of the amendment of the Senator from California to ensure that when American citizens fall on hard times, their Government will be there to help—whether they were born as Americans or are naturalized Americans.

Mrs. FEINSTEIN. Mr. President, this is a very hard argument for me because I very much respect the Senator from Wyoming. He is my chairman on the committee. I do not think anyone in this body knows more about immigration. I doubt that he drafted the actual language in this bill.

All I can say is our reading, and the reading of others of the bill itself, indicates to us that the way it is worded, it would in fact affect people in this country at this time. The Bureau of the Census has identified 121,000 spouses and children of U.S. citizens who came into this country between 1990 and 1994 who, for starters, would be most definitely affected by this bill.

I mentioned earlier that I do not believe that anyone should come to the oath of being an American citizen and take that oath because they want welfare, whether it is cash or noncash. I would support any legislation to toughen the sponsorship requirements to provide for bona fide sponsorship. As a matter of fact, when the immigration bill is on the floor, I will offer an amendment to the bill which will provide that a sponsor must be responsible for health insurance for a person they are sponsoring to this country. So I fully believe that a sponsor should be responsible.

Where I have the difficulty is in the creation of two classes of citizens, because once it starts, once the camel's nose is under the tent, it will not end. And the fact is that a naturalized citizen is entitled to all of the rights of citizenship; that is a clearly established constitutional principle. I believe it will really jeopardize the constitutionality of this entire bill. It is a major point, I believe.

So I say, toughen sponsorship, toughen the naturalization process, do what you have to do to prevent somebody from using naturalization as a guise for some of these things. But once they get there, it must mean just what it means for every other citizen.

It has been said that an affidavit of support is an asset like a child support order. I do not believe that is true, because having assets means one is ineligible for welfare. A child support order is not an asset when determining eligibility for welfare. The welfare caseload is swollen with mothers who cannot collect on child support orders. Approximately 25 percent of the existing caseload is comprised of mothers who cannot collect on child support orders.

It has been said that people are not denied welfare because they have this asset. They are eligible for welfare benefits, the cost of which is only recovered if the Government is able to collect from the delinquent parent. If naturalized citizens could receive benefits while the Government attempts to collect from the sponsor, then the situation would be analogous. But that is not what the Dole bill says. And even if it did say that, it would still be treating naturalized citizens differently from native-born citizens. Denying assistance because there is an uncollected asset is not equal treatment under the law.

So let me repeat: A native-born citizen is denied welfare benefits only if there are assets available to the applicant. Just as a child support order which is uncollected is not an available asset, an affidavit of support on the naturalized citizen which is unable to be collected would not be an available asset. True, the Government could attempt to collect later, as with a child support order, but in the meantime, under the Dole bill, the applicant who is now a U.S. citizen would be denied assistance. So I believe that is wrong.

Let me speak for a moment to the 40 quarters of work and the contribution to the system. This affects the homemaker who does not work in a two-parent family. If the mother does not work, is supported by her husband, and her husband leaves, it is a major problem. Similarly, if you were an infant when your parents immigrated, you would not be eligible for benefits until you reached your 30's. That is hardly equal treatment.

Mr. President, I believe I have used my time. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 25 seconds.

Mr. SIMPSON. Mr. President, I really appreciate the thoughts of my friend from California and will look forward to working with her on the issues of the sponsorship. I think that is a key thing. I think we can strengthen that, and I will look forward to working with her on that and on things such as insurance or support, releasing those who are not able to pay or be sponsors, perhaps setting a poverty level there. We can do those things.

But I emphasize, too, we always get into immigration matters. Every one of us is a child or a grandchild or a great-grandchild of immigrants. That is my history, my heritage, my roots. And it is most interesting to me when I hear the discussion of the second-class citizen. I agree totally with my friend from California; there is no distinction between a naturalized citizen and a native-born citizen except the Constitution. This certainly does not draw the distinction. If there is a difference here, it is a difference expressed only by the sponsor of the amendment, because we are treating them exactly the same. We are treating the naturalized citizen and the native-born citizen exactly the same under this.

I agree we should not in any way treat them differently, treat them as second-class citizens. Treat them the same. So here, in this case, as the bill is drafted, a native-born citizen today must disclose all assets when applying for welfare and the naturalized citizen should also, likewise, disclose all assets as well.

One of the assets of the person to be naturalized is a contract of their sponsor that they will take care of them. It is the same as a court-ordered sponsor agreement. It is the same as any other thing, any other obligation of life. The sponsor's contract of support is an asset of the naturalized citizen, just as alimony or a child support agreement is an asset that must also be considered.

We treat the naturalized citizen no differently than we do the native born. Both must present all of their assets while seeking public assistance. That is the intent of the legislation in its original form. If the sponsor loses his or her assets and income—please hear this—the deeming period is over. If the sponsor dies, the deeming period is over. If the sponsor has too little wherewithal or assets to assist the immigrant, to help with school or whatever, the deeming then will not reduce the applicant's ability to receive this assistance. It is very critical that we hear these distinctions.

What is the remainder of my time?

The PRESIDING OFFICER. One minute 11 seconds.

Mr. SIMPSON. Mr. President, I look forward to working with Senator FEINSTEIN. I welcome these expressions to toughen the sponsor's promise that he or she will ''not at any time''—that is the law—permit the sponsored immigrant to become a public charge. That, in my mind, is a very key phrase. To me in this debate it means before naturalization and after naturalization.

I thank the Chair.

I yield the remainder of my time.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add Senators SIMON, KOHL, and GRAHAM as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays and for the vote to be set in the order of voting.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the vote is set for 8 o'clock in sequence.

Mr. CHAFEE. Mr. President, I ask that the votes that we originally asked

for to occur starting at 8 be postponed until 8:30.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, therefore, at that batting order, we will have the Shelby, Mikulski, and Feinstein amendments. And I know the Senator from California has another amendment, followed by Senator CONRAD. But I want to work in a Republican. Senator DEWINE was available. I do not see him now. So why do we not go with the second Feinstein amendment, and then work in a Republican Senator, Senator DEWINE, and then Senator CONRAD, if that is agreeable?

I say to everybody that it is not necessary to prove one's credentials by having an amendment. Everybody is a full-fledged Senator, and we recognize that. We will continue to recognize that even though they do not come forward with an amendment on this piece of legislation. At the rate we are going, we are going to be here a long, long time. I mean this evening a long time. Every time I turn around somebody comes up with an additional amendment. Usually Senators stand here and say, ''Bring over your amendments. We are waiting to do business.'' Well, we have too much business to do here. So we are not seeking additional amendments. So everybody just call a halt to the amendment business so we can get to final passage.

I see the Senator from Ohio has arrived. So if the Senator from California will just delay, we will go ahead with Senator DEWINE's amendment.

Mr. President, how much time is he asking for?

Mr. DEWINE. Ten minutes.

Mr. CHAFEE. I ask that we have 20 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MOYNIHAN. I am not sure who will speak on this side. But it is agreed.

Mr. CHAFEE. I do not know what the amendment is. Maybe somebody on this side will oppose it.

Mr. CONRAD. Do I understand from the acting manager that after we have disposed of the DeWine amendment and the final Feinstein amendment, we would then go to the Conrad-Lieberman amendment and dispose of that?

Mr. CHAFEE. That is right.

Mr. MOYNIHAN. Mr. President, I believe we erred in the description of the Senator from Rhode Island as an acting manager. I think he is very much a manager.

Mr. CHAFEE. Titles mean nothing.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 2517, AS MODIFIED

Mr. DEWINE. Mr. President, I ask unanimous consent to modify my amendment No. 2517, and I send the modified amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2517), as modified, is as follows:

On page 637, line 17, strike the period and insert '', as provided pursuant to agreements described in subsection (a)(18).

On page 712, between lines 9 and 10, insert the following:

SEC. 972. FINANCIAL INSTITUTION DATA MATCHES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 915, 917(a), 923, 965, 969, and 976 is amended by adding at the end the following new paragraph:

''(18) Procedures under which the State agency shall enter into agreements with financial institutions doing business within the State to develop and operate a data match system, using automated data exchanges to the maximum extent feasible, in which such financial institutions are required to provide for each calendar quarter the name, record address, social security number, and other identifying information for each absent parent identified by the State who maintains an account at such institution and, in response to a notice of lien or levy, to encumber or surrender, as the case may be, assets held by such institution on behalf of any absent parent who is subject to a child support lien pursuant to paragraph (4). For purposes of this paragraph, the term 'financial institution' means Federal and State commercial savings banks, including savings and loan associations and cooperative banks, Federal and State chartered credit unions, benefit associations, insurance companies, safe deposit companies, money-market mutual funds, and any similar entity authorized to do business in the State, and the term 'account' means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account.

Mr. CHAFEE. Mr. President, as we are modifying amendments, I wonder if we might also modify an amendment that Senator GRAMM submitted earlier. That is a modification to amendment No. 2280.

Mr. President, I withhold that request. The Senator from Ohio may go ahead.

Mr. DEWINE. Mr. President, one of the reasons that our welfare costs today are so high is the number of absent deadbeat parents who, in spite of a court order, in spite of judicial determination that they owe weekly or monthly child support, still flagrantly refuse to pay child support. This amendment goes a long way, I believe, to help deal with this problem.

Let me take just a moment, if I could, to congratulate Senator DOLE and to congratulate everyone else who has been directly involved in this bill because the child support enforcement section is a very good section. It was written after consultation with experts in the field, people who deal with this every day out in the 50 States who have to face the problem of trying to track down these deadbeat parents and then after they find them trying to figure out how to get money from them.

This particular amendment that I am offering was also based on our consultation with experts in the field, particularly the State of Massachusetts, which has some very, very good success. In fact, this particular amendment was modeled after what Massachusetts is doing.

The purpose of this amendment is to make it easier for States to crack down on deadbeat parents. We, of course, are all aware, Mr. President, that one of the key causes of our social breakdown is the failure of parents to be responsible for their own children. The family ought to be the school for citizenship, preparing the children for a responsible and productive life. Too often it is just the opposite, and parents do not do that. When they do not pay their child support, it is certainly very difficult for society to step in and fill the gap. We need to reconnect parenthood and responsibility, and making absent parents pay is one way that we can do it. We need to help States locate deadbeat parents and help States establish support orders for the children, and then finally enforce these orders. My amendment attempts to address this problem by providing for a more timely sharing of information with the States.

As I said at the beginning, it is good to get the child support order. It is good to locate the parent. But if you cannot figure out where the parent's assets are, it does not do anyone any good. It does not do the children any good. It does not do society any good. So what this amendment is aimed at doing is making it easier to locate the assets of the parents.

Today, Mr. President, the Federal Parent Locater Service in the U.S. Department of Health and Human Services gives the States banking and asset information about potential deadbeats on an annual basis—once a year.

Now, if you go out into the States and talk with people who have to track down these deadbeats, they will tell you how difficult that whole process is. I first became involved in this a number of years ago, in the early 1970's when I was a county prosecuting attorney. I cannot tell you how frustrating it was. You got a support order. You got a judge to say the person owed so much money. And then they took off. You could not find them. Then after you found them, you could not figure out where their assets were.

This amendment will help in that area. If you have to wait, Mr. President, a whole year to get the information about the bank assets of an individual, sometimes a year and a half, obviously many times that information is stale and many times that information does not give you the true information you really need. The person may have moved. They may have changed banks. They may not have any assets in the bank, et cetera.

My amendment will allow States to enter into agreements with the financial community in their States to match financial data with child support delinquency lists on a more frequent basis. Not only will States get information on an annual basis, this

amendment will allow for more timely information on a quarterly basis.

This quarterly system has already been implemented in the State of Massachusetts and the results have been nothing short of phenomenal, which this chart indicates. In 1994, Massachusetts child support enforcers collected $2.7 million in past due child support. This year, Massachusetts began a quarterly reporting system, and collections have dramatically increased. At the current rate, their child support collections for 1995 will be at $9.6 million. That, Mr. President, is more than three times what they collected last year. The year before, $2.7 million; this year, $9.6 million.

Let me congratulate and also thank Marilyn Smith, who is the director of the Massachusetts Child Support Enforcement Agency, who worked with my office and with Dwayne Sattler of my office and the rest of my staff to really get the language down so that other States would be able to do what Massachusetts has done.

So, Mr. President, when you are looking at what works and what does not work, this works. In short, when child support enforcers have timely information, they can make deadbeat parents pay what they owe, and that means more parents responsible for their children.

We have received the CBO scoring on this amendment, and it will be at least revenue neutral. As someone who has worked in this field and did this for a number of years, let me tell you my guess is it is going to be a lot better than revenue neutral. This is going to be a very positive thing for each State. I believe it will save money for the Federal Treasury as more and more parents own up to their financial responsibility of having children.

This amendment is cost-effective and it is necessary. The child support enforcers are doing a very tough and difficult job, facing horrible obstacles every single day. I think we should cut by 75 percent, which is what this amendment does, the amount of time they have to wait to get this valuable information. Information is power, they say, but in this case information is money. So if you get the information on time, you take the court order, you go in, slap a lien on the bank account, you draw the money out, and guess what? That deadbeat parent has now started contributing his or her fair share not just to that family, which is the most important thing, but also to society as well.

That is why I believe my amendment will do a great deal of good. I urge it be adopted.

Mr. President, let me just clarify for the record that the amendment that I am modifying is amendment 2517 and not 2519.

I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President I would like to ask the sponsor of the amendment a couple of questions.

Under the amendment as I read it, it is an option for the State; it is not mandatory. Is that correct?

Mr. DEWINE. That is correct.

Mr. CHAFEE. Second, the amendment says that the State shall enter into agreements with financial institutions to develop and operate a data match system.

I understand under this the State would bring a list of those who are delinquent to the bank instead of the bank having to provide the State with the name of everybody who had a deposit in that bank. Is that correct?

Mr. DEWINE. That is correct.

If the Senator will yield, what we have done with this is to try to model the Massachusetts program. What Massachusetts has been able to do is to work out, it is my understanding, an agreement between the private banking community and the State to have a system that is not overly burdensome on the banking community; it is something that they can live with but something also that gives the information to the people who need it and give it in a very timely fashion.

Let me just say that one of the things we did, Mr. President, is we checked with the Ohio banking community, just to try it out. We said, would you be willing to do something like this? And the answer was, we are citizens of the State and we want to be good corporate citizens. We want to help out. It is something we can live with. If it is not overly burdensome and is directed at dealing with the problem, we are more than happy to comply.

What will happen, as the Senator knows, many times people move from State to State. With all States doing this, we will have in the law the system where the States can share information.

And so what I would anticipate once this system is fully up is that not only in Ohio would you basically get this information, but if a person took off and went to Connecticut or Rhode Island or Arizona, that information could be shared by cooperating with that State.

Mr. CHAFEE. As I read the amendment, it is not optional for the bank to participate if the State decides that they want the bank to participate. In other words, as I read the amendment, it says that the State shall work out agreements with the banks to develop a data match system in which such institutions are required to provide every quarter, et cetera.

So it is not just an encouragement. It is a requirement if the State so chooses.

Mr. DEWINE. That is correct. The Senator is correct.

Mr. CHAFEE. I can see this being extremely burdensome for the bank if each quarter they have to come up with everybody who has a deposit in the bank that appears on some list the State submits to them.

I presume the banks are permitted to charge something for all this.

Mr. DEWINE. Absolutely. What will happen on a practical basis is what has happened in Massachusetts and what I am sure would happen in Ohio, and that is, quite frankly, the State officials would enter into an agreement with the banking association, whoever represents all the banks in the State, for something that is actually very, very workable.

As someone who has dealt with this at the local community level, if you do not have the cooperation of a bank, if they do not want to do this, you are going to have a lot of problems. And so you have to have the good will of the bank. And to get the good bill of the bank, what you simply do is work out something that they clearly can in fact live with.

The other point I would make to the Senator is that we are not talking about huge lists being supplied to a bank. We are talking about basically a single shot where you go in with a limited list and that would only be triggered basically once the parent locater, whatever that agency was in the State, had information that that person might be in that bank's jurisdiction.

Mr. CHAFEE. Well, I am not sure it is so simple as all that. It comes up every quarter, four times a year. But I am not on the Banking Committee. This is the kind of thing that I really wish had gone through the Banking Committee and let them have hearings on it, and let them know what the costs are and what the problems are that arise under it.

I do not know whether anybody else wants to speak on this. Does the Senator want a vote on this?

Mr. DeWINE. If I just could say, we have worked closely with people in the banking community. And I do appreciate the Senator's comments about not having a hearing on it. I understand that. But this amendment is based on matching computer tapes, basically a computer match with tapes, which we are told is not, with today's technology, really much of a burden. It is not the creation and not asking for the creation of a new list. It is a computer match with tapes to get this particular job done.

I also say that if a person wanted to get a court order in every case, they could go in and get a court order for the bank records anyway on a case-by-case basis. That is not the right way to do it. This, we believe, is the right way to do it.

Mr. CHAFEE. I tell you what. We may be in a position to take this amendment. Why does not the Senator ask for the yeas and nays? And if he would be willing to vitiate those yeas and nays, if we can take it. We have got to check. Why not ask for the yeas and nays?

Mr. DeWINE. I will at this point, Mr. President, ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Do the Senators yield back the remaining time?

Mr. CHAFEE. I do.

Mr. DeWINE. I do, Mr. President.

The PRESIDING OFFICER. All time is yielded back.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Now we will go to the second amendment of the Senator from California.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mrs. FEINSTEIN. And I thank the bill manager.

AMENDMENT NO. 2513

Mrs. FEINSTEIN. Mr. President, this amendment involves deeming. It is a complicated issue. Let me try and explain it simply. It only involves legal aliens.

Presently, deeming only applies to cash programs, AFDC, SSI, food stamps. This amendment would remove the deeming requirements for Federal programs not traditionally considered Federal welfare programs. It would retain the deeming for the three principal Federal cash welfare programs: AFDC, SSI, and food stamps.

Under the bill, a child of a legal immigrant would not have access to Head Start; a legal immigrant would not have access to Medicaid, would not have access to child protective services, would not have access to maternal health services, would not have access to foster care, would not have access to custodial care. All of these programs deemed—excuse me, not deemed—but all these programs which are noncash programs would not be available for anyone who was in this country legally.

The amendment also provides that no one in this country legally who is a battered wife could ever make use of a domestic abuse program, a battered wife shelter. There are actually some 80 programs that provide noncash assistance, and I have named most of them. The most important one of these is Medicaid.

Everyone in this room has heard Governors across this Nation bellow that the Federal Government is not dealing with the costs of immigrants to the States. Every one of them says this, that has the program.

Essentially, the way the bill is drafted, it is a massive cost-shift to States because it says that the county then has to pick up these costs. The county would have to pick up the costs of Head Start if a youngster was going to go into it. The county would have to pick up the costs of Medicaid or the State. The county would have to pick up the costs of child protective services or foster care or any of those items.

It is a major item. And I will be candid and frank with you; it falls most heavily on four States. It falls heavily on Texas, it falls heavily on Florida, it falls heavily on New York, and it falls heavily on California. And that is because that is where the largest percentages of these legal immigrants are.

Now, as I mentioned earlier in the earlier discussion, I believe we should tighten the sponsorship requirements. I believe we should see that they are secure, even verify what they say. And I intend to introduce legislation that would provide that sponsors of immigrants must provide health insurance for those immigrants. But here we are with a situation that exists really creating a massive unfunded mandate, particularly in the area of legal immigration.

This amendment is supported by the National Governors' Association, the National Conference of State Legislatures, the National Association of Counties, the National League of Cities, the United States Catholic Conference, the Leadership Conference on Civil Rights, Mayor Giuliani, Mayor Riordan, and many other people as well.

I ask unanimous consent to have printed in the RECORD the letter from the National Governors' Association.

There being no objection, the letter was ordered to be printed in the Record, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington DC, September 13, 1995.

DEAR SENATOR, As the Senate considers amendments to the Work Opportunity Act of 1995, the National Governors' Association [NGA] urges you to support increased flexibility that will enable states to build upon the experiences of state welfare reform efforts around the country and to design programs in accord with their particular needs and priorities. We have provided below a partial list of amendments that are supported by the NGA. This list is not meant to be exhaustive, and there may be other amendments Governors support that are not on this list.

We urge you to support these amendments based on the recommendations of the nation's Governors, who will have direct responsibility for meeting the challenge of designing successful welfare-to-work and child care systems:

State penalties under cash assistance block grant. (Pryor #2495, McCain #2542) Delays the implementation of penalties until October 1, 1996 or six months after the date the Secretary issues the final rule, whichever is later. Provides that the five percent penalty for unlawful use of funds can only be imposed if the Secretary determines the violation was intentional. Permits states with penalties to submit to the federal government a corrective action plan to correct violations in lieu of paying penalties under the cash assistance block grant.

Technical amendments. (D'Amato #2577, 2578, 2579) Technical amendments relating to the date for determining FY 1994 expenditures, claims arising before effective dates and efforts to recover funds from previous fiscal years.

Equal treatment for naturalized citizens. (Feinstein #2478, Kennedy #2563) Provides for equal treatment for naturalized and native-born citizens so that once an individual becomes a citizen he or she will be eligible for benefits whether or not the deeming period has expired.

Sponsor deeming. (Feinstein #2513) Limits deeming of sponsors' income to those programs for which deeming is now required under current law (AFDC, Food Stamps and SSI). Additionally exempts legal immigrants who have been victims of domestic violence from the 1) ban on SSI assistance and 2) deeming requirements for all programs.

Prospective application of legal immigrant provisions. (Graham #2569) Provides that any changes with respect to legal immigrants made by this bill will not apply to noncitizens who are lawfully present in the United States and receiving benefits under a program on the date of enactment. (Simon, #2509) Eliminates retroactive deeming requirements for legal immigrants already in the U.S.

''Good cause'' hardship waiver. (Rockefeller #2492) Gives states the option of granting exceptions to the 5-year life-time limit and the participation rate calculation for individuals who are ill, incapacitated, or elderly, as well as for recipients who are providing full-time care for their disabled dependents.

High unemployment areas exemption. (Rockefeller #2491) Gives states the option of waiving time limits in area of high unemployment (ten percent or more). Recipients must participate in workfare or community work to continue benefits.

Vocational educational training. (Jeffords #2557) Changes the definition of work activities to allow vocational education to count as an eligible activity of up to 24 months.

Data reporting requirements. (McCain #2541) Provides that states are not required to comply with excessive data collection and reporting requirements, as determined by GAO, unless the federal government provides sufficient funds to meet the costs.

Work supplementation. (McCain #2280) Removes the six month limit for an individual's participation in a work supplementation program under the food stamp program.

Cash aid in lieu of food stamps. (Faircloth #2600) Allows a state agency to make cash payments in lieu of food stamps for certain individuals.

Hardship waiver. (Kennedy #2623) Permits states to apply for waivers with respect to the 15 percent cap on hardship exemptions from the five-year time limit.

Assistance to children. (Kennedy #2624) Permits states to provide non-cash assistance to children ineligible for aid because of the five-year time limit.

Modification of participation rate (DeWine #2518) Permits a pro rata reduction in a state's participation rate due to caseload reductions not required by federal law or due to changes in a state's eligibility criteria.

Sincerely,

GOV. BOB MILLER,
State of Nevada.

Mrs. FEINSTEIN. I thank the chair.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum, and the time to be equally charged against—

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield time to the Senator from Wyoming?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I just came to the floor many minutes ago to debate a different amendment. But I see apparently there is no one on the other side of this, and that should not go untended. If I may then speak in opposition to the amendment, that, first of all, this amendment is not about domestic violence and the other tragedies that visit upon our Nation.

I have found—and I share with my colleague from California that on these issues of immigration, filled with emotion, fear, guilt and racism, your colleagues during the entire day say, ''Alan, we are very pleased to assist you in all this work.'' But when it comes time to stand on the floor, they are absent in great droves—droves—I have found, because these are not popular issues.

How about cash assistance, noncash assistance? The Senate has already accepted an amendment from Senator WELLSTONE which will address all concerns about violence, domestic violence, all that. That is clear. That has already been done somewhere along the line. This amendment exempts all noncash programs from all of the immigration-related provisions within this entire welfare bill.

The cost of it is $707 million. We are never going to reach the reconciliation instructions with this welfare bill. And the Finance Committee has now been charged—there are some on the floor. Senator BRADLEY serves on that committee. Of all the savings to be obtained in reconciliation, $607 billion are to be saved. And the Finance Committee is supposed to find a way to save $503 billion or $530 billion of that.

This welfare bill has already taken us over the jumps. Senator SANTORUM will tell you that, the occupant of the chair—yes, yes, the occupant of the chair will tell you that we are a little bit over our mark. And we have done that out of charity and kindness and caring. And that is fine; those are good motives. But we are way over the target with this bill.

Now, this amendment exempts all noncash programs and, as I say, all of the immigration-related provisions within this bill.

Before a prospective immigrant may enter the United States, that person must guarantee that he or she will not use public assistance, I say to my colleagues. That has been the law of the United States since 1882. It never worked because the court systems, in their interpretation of it, made it simply a neutered statute.

So you could not prove anything. The deeming was overturned and sponsoring agencies scoffed at it, relatives scoffed at it. So what was a very precious thing—and it is still on the books, since 1882, that a person will not become a public charge when they come to the United States of America. That person indicates by oath that they will not, and the sponsor is indicating that they will not allow that usually precious relative to become a public charge.

So, finally, in the Finance Committee, we corrected this abuse, a terrible abuse of the system, the kind of thing that makes people sour on immigration, sour on our precious heritage. That is what happens here.

So, in turn, we have this measure which requires immigrants to look first to the sponsor, this friend or this relative who guaranteed this support. They did this. They could not bring them unless they did this.

So we were saying in the bill, before receiving any public assistance, the sponsor is responsible for you, and his income is deemed to be yours for purposes of this. In the public's interest, the Dole bill then exempted certain limited programs, such as childhood immunizations and school lunch. I have no problem with that at all.

Senator FEINSTEIN's amendment would exempt all noncash programs. This includes Medicaid, public housing, job training and any other program which does not provide cash assistance to the recipient.

That is where we are. I have a hunch where this amendment will go. It will be well received, but it is $707 million, and we are going to have to go find that somewhere in this process. Guess where it will come from, very likely? Medicaid. That is where it will come from, unless someone can tell me another approach to it.

So here we are again with an immigration-related issue which has to do with compassion, kindness, tenderness. I know those things. Those are emotions not foreign to me, but I also know how this works. It is a great infertile field to just add and add and add. Sponsors have committed that the sponsored immigrant will neither require nor use assistance from the taxpayers of this country from any Federal welfare program, and that is the law of the United States of America.

To be consistent, all Federal welfare programs should require the sponsored immigrant to look to this friend or this relative or this sponsoring agency for assistance before turning to the American taxpayer for support.

We are not talking about illegal, undocumented persons who we care for with emergency medical assistance and hospital assurance. We are talking about people who are playing on the up and up when they came, sponsors who were playing on the up and up when they came, which was a very simple procedure: ''You come, I'll take care of you until you become self-supporting.'' That is the law of the United States of America.

You keep making these exemptions, and now we have to go find $707 million. I wish it were not a money item. It certainly is more than a money item. It is called responsibility for those you bring to the United States of America as a sponsor under the law of the United States.

I reserve the remainder of my time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes 9 seconds.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, bottom line, this bill as drafted, without this amendment, is a massive cost shift. As I said, the costs are shifted essentially to four States: Texas, Florida, New York, and California.

What this bill says presently is no one in this country legally who is not a citizen can send their child to a Head Start Program, can be on Medicaid. It is not prospective. It affects everybody presently. That is why it is a cost shift. It would be one thing if it were prospective and said in the future, but it does not. It says to every legal immigrant's child out there that is in a Head Start class, ''Next year, forget it, you are no longer there.'' That is essentially the bottom line. Or somebody in the State has to pay for it, either the State or the county.

California has a huge deficit. According to the General Accounting Office, California also has 38.2 percent of all legal immigrants, but 52.4 percent of all immigrants receiving Federal welfare. New York has 12.6 percent; Florida, 8.9 percent; Texas, 8.6 percent; and other States, 31.7 percent. So you see, there is a huge cost shift in dollars from the Federal Government to the States.

That involves adoption assistance, it involves foster care, it involves child protective services. Can you believe it? If a child is being abused, the protective services are not going to be available if they are a legal immigrant? We passed legislation earlier—Senator EXON's amendment—overwhelmingly for people here illegally, and I agree with that. But these people are here legally and, therefore, I find the bill egregious as it stands right now.

Again, I am hopeful—and I would say, toughen sponsorship, look at people coming more carefully in this regard. I do not have a problem with that. But this is going to affect large numbers of people who are already in this country.

Eighty-three percent of all the immigrants receiving SSI or AFDC resided in the four States. AFDC and SSI are not covered by this amendment. It is only the noncash benefits, and I think I have spelled those out.

I do not know if there is anyone who would like to speak on this.

Mr. KENNEDY. Will the Senator yield for a brief question?

Mrs. FEINSTEIN. I will be happy to.

Mr. KENNEDY. The implications of this are extremely significant with regard to the urban hospitals, are they not, especially where there are major

groupings of urban hospitals that primarily take care of the poor, the disadvantaged and many of the immigrants as well? We find situations where even though there are relatives and other members of the family that might be able to participate in helping to offset the costs, an increasing number of people are becoming uninsured, through no fault of their own. Therefore, their relatives do not have the ability to extend the coverage to these individuals. That is taking place among immigrants who are here legally. And in many instances, sponsors have abandoned them, even though they have a responsibility toward the immigrants they sponsor, and these immigrants are really left holding the bag. As a result, the urban hospitals and health providers will be left holding the bag as well.

Does the Senator agree with me that without the Senator's amendment, there will be extreme additional stress placed on the health care providers, particularly in some of the neediest areas of the country?

Mrs. FEINSTEIN. I certainly agree with the Senator from Massachusetts. I think particularly the public hospitals in the urban centers are going to be whacked in the head unless this amendment is adopted, because a large percentage of patients comprise this population and there would be no reimbursements, no Medicaid.

Mr. KENNEDY. Who will end up paying for it then?

Mrs. FEINSTEIN. The county or the State would have to find a way. It is a cost shift.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. CHAFEE. Mr. President, I ask that the vote scheduled for 8:30 be postponed until the conclusion of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, it is my understanding—and I would like to ask the Senator from Wyoming this—in the case of domestic violence inflicted by the ''deemor,'' that has been taken care of, as I understand it, by the Wellstone amendment.

Mr. SIMPSON. Oh, yes, that is true. The Wellstone amendment took care of battered women and foster children, without question.

Mr. CHAFEE. Am I also correct that the suggestion was made by the Senator from California that it would be impossible for a legal alien's child to be in a Head Start program? As I understand it, if the ''deemor's'' assets were not of significant value, the child is not prevented from being in a Head Start program, is he or she?

Mr. SIMPSON. That was taken care of very nicely by Senator KENNEDY. We agreed to exempt Head Start and soup kitchens. That has been done.

Mr. KENNEDY. Will the Senator yield?

Mr. CHAFEE. If I might complete my questions. In connection with the foster care problems, the Boxer amendment, I believe, addressed them, am I correct?

Mr. SIMPSON. Mr. President, as far as I know, that, too, is also true, yes. But, Mr. President, there is another issue. The bill itself provides that there is a year period—an entire year—if a person is abused, if there is no money, if the sponsored individual is not there, or whatever may happen, it says that in the absence of assistance provided by the agency, if someone is unable to obtain food and shelter, taking into account the individual's own income, plus any cash, that is taken care of in this measure for 12 months—without question, whatever the reason. So this is not a case of some draconian business where we delight in taking people and waiting and suddenly see them fall into disarray and then whacking them or hitting them in the head. What will get hit in the head is Medicaid with this one.

Mrs. FEINSTEIN. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. CHAFEE. Does the Senator from California want a vote on her amendment?

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CHAFEE. Mr. President, we were to vote at 8:30. I ask that it be delayed for 10 minutes so the Senator from North Dakota, who has been patiently waiting for his amendment, might present it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2528, AS MODIFIED

Mr. CONRAD. Mr. President, I call up my amendment No. 2528, the Conrad-Lieberman amendment.

The PRESIDING OFFICER. That amendment is now pending.

Mr. CONRAD. I ask unanimous consent to modify the amendment, as per the agreement.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, I ask if the Senator will withhold on that for a second.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, we can return to Senator CONRAD's amendment.

Mr. CONRAD. I thank the Senator from Rhode Island.

I ask unanimous consent to modify my amendment, as per the previous agreement.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2528), as modified, is as follows:

On page 50, strike line 6 and all that follows through page 51, line 11, and insert the following:

''(d) REQUIREMENT THAT TEENAGE PARENTS LIVE IN ADULT-SUPERVISED SETTINGS.—

''(1) IN GENERAL.—

''(A) REQUIREMENT.—Except as provided in paragraph (2), if a State provides assistance under the State program funded under this part to an individual described in subparagraph (B), such individual may only receive assistance under the program if such individual and the child of the individual reside in a place of residence maintained by a parent, legal guardian, or other adult relative of such individual as such parent's, guardian's, or adult relative's own home.

''(B) INDIVIDUAL DESCRIBED.— For purposes of subparagraph (A), an individual described in this subparagraph is an individual who is—

''(i) under the age of 18; and

''(ii) not married and has a minor child in his or her care.

''(2) EXCEPTION.—

''(A) PROVISION OF, OR ASSISTANCE IN LOCATING, ADULT-SUPERVISED LIVING ARRANGEMENT.—In the case of an individual who is described in subparagraph (B), the State agency shall provide, or assist such individual in locating, a second chance home, maternity home, or other appropriate adult-supervised supportive living arrangement, taking into consideration the needs and concerns of the such individual, unless the State agency determines that the individual's current living arrangement is appropriate, and thereafter shall require that such parent and the child of such parent reside in such living arrangement as a condition of the continued receipt of assistance under the plan (or in an alternative appropriate arrangement, should circumstances change and the current arrangement cease to be appropriate).

''(B) INDIVIDUAL DESCRIBED.—For purposes of subparagraph (A), an individual is described in this subparagraph if the individual is described in paragraph (1)(B) and—

''(ii) such individual has no parent, legal guardian or other appropriate adult relative as described in (ii) of his or her own who is living or whose whereabouts are known;

''(iii) no living parent, legal guardian, or other appropriate adult relative who would otherwise meet applicable State criteria to act as such individual's legal guardian, of such individual allows the individual to live in the home of such parent, guardian, or relative;

''(iv) the State agency determines that—

''(I) the individual or the individual's custodial minor child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of such individual's own parent or legal guardian; or

''(II) substantial evidence exists of an act or failure to act that presents an imminent or serious harm if such individual and such individual's minor child lived in the same residence with such individual's own parent or legal guardian; or

''(v) the State agency otherwise determines that it is in the best interest of the minor child to waive the requirement of paragraph (1) with respect to such individual or minor child.

''(C) SECOND-CHANCE HOME.—For purposes of this paragraph, the term 'second-chance

home' means an entity that provides individuals described in subparagraph (B) with a supportive and supervised living arrangement in which such individuals are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children.

''(3) ASSISTANCE TO STATES IN PROVIDING OR LOCATING ADULT-SUPERVISED SUPPORTIVE LIVING ARRANGEMENTS FOR UNMARRIED TEENAGE PARENTS.—

''(A) IN GENERAL.—For each of fiscal years 1998 through 2002, each State that provides assistance under the State program to individuals described in paragraph (1)(B) shall be entitled to receive a grant in an amount determined under subparagraph (B) for the purpose of providing or locating adult-supervised supportive living arrangements for individuals described in paragraph (1)(B) in accordance with this subsection.

''(B) AMOUNT DETERMINED.—

''(i) IN GENERAL.—The amount determined under this subparagraph is an amount that bears the same ratio to the amount specified under clause (ii) as the amount of the State family assistance grant for the State for such fiscal year (described in section 403(a)(2)) bears to the amount appropriated for such fiscal year in accordance with section 403(a)(4)(A).

''(ii) AMOUNT SPECIFIED.—The amount specified in this subparagraph is—

''(I) for fiscal year 1996, $25,000,000;

''(II) for fiscal year 1997, $25,000,000; and

''(III) for each of fiscal years 1998, 1999, 2000, 2001, and 2002, $20,000,000.

''(C) ASSISTANCE TO STATES IN PROVIDING OR LOCATING ADULT-SUPERVISED SUPPORTIVE LIVING ARRANGEMENTS FOR UNMARRIED TEENAGE PARENTS.—There are authorized to be appropriated and there are appropriated for fiscal years 1998, 1999, and 2000 such sums as may be necessary for the purpose of paying grants to States in accordance with the provisions of this paragraph.

''(e) REQUIREMENT THAT TEENAGE PARENTS ATTEND HIGH SCHOOL OR OTHER EQUIVALENT TRAINING PROGRAM.—If a State provides assistance under the State program funded under this part to an individual described in subsection (d)(1)(B) who has not successfully completed a high-school education (or its equivalent) and whose minor child is at least 12 weeks of age, the State shall not provide such individual with assistance under the program (or, at the option of the State, shall provide a reduced level of such assistance) if the individual does not participate in—

''(1) educational activities directed toward the attainment of a high school diploma or its equivalent; or

''(2) an alternative educational or training program that has been approved by the State.

On page 51, strike ''(e)'' and insert ''(f)''.

At the appropriate place, insert the following:

SEC. ___. ESTABLISHING NATIONAL GOALS TO PREVENT TEENAGE PREGNANCIES.

(a) IN GENERAL.—Not later than January 1, 1997, the Secretary of Health and Human Services shall establish and implement a strategy for—

(1) preventing an additional 2% of out-of-wedlock teenage pregnancies a year, and

(2) assuring that at least 25 percent of the communities in the United States have teenage pregnancy prevention programs in place.

(b) REPORT.—Not later than June 30, 1998, and annually thereafter, the Secretary shall report to the Congress with respect to the progress that has been made in meeting the goals described in paragraphs (1) and (2) of subsection (a).

(b) OUT-OF-WEDLOCK AND TEENAGE PREGNANCY PREVENTION PROGRAMS.—Section 2002 of the Social Security Act (42 U.S.C. 1397a) is amended by adding at the end the following new subsection:

''(2) The Secretary shall conduct a study with respect to the State programs implemented under paragraph (1) to determine the relative effectiveness of the different approaches for preventing out-of-wedlock and teenage pregnancy utilized in the programs conducted under this subsection and the approaches that can be best replicated by other States.

''(3) Each State conducting a program under this subsection shall provide to the Secretary, in such form and with such frequency as the Secretary requires, data from the programs conducted under this subsection. The Secretary shall report to the Congress annually on the progress of the programs and shall, not later than June 30, 1998, submit to the Congress a report on the study required under paragraph (2).''.

SEC. ___. SENSE OF THE SENATE REGARDING ENFORCEMENT OF STATUTORY RAPE LAWS.

It is the sense of the Senate that States and local jurisdictions should aggressively enforce statutory rape laws.

Mr. CONRAD. Mr. President, I ask unanimous consent that Senators PRYOR, BRADLEY, and KERRY of Massachusetts appear as original cosponsors in addition to Senator LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this amendment promotes a comprehensive strategy that prevents teen pregnancy. Mr. President, if there is one agreement on both sides of the aisle, it is that teen pregnancy is a crisis in America. One out of three children being born today are born out of wedlock. In some cities of America, two out of three children being born are born out of wedlock. Here in the Nation's capital, this year, more than two out of three children are being born out of wedlock.

Teen pregnancy is a critical challenge. It is a tragedy for America. It is a tragedy for the children. It is a tragedy for the young women. It is a tragedy for our entire country.

Mr. President, in 1992, there were more than a half million births to teenagers, and 71 percent of those births were to unmarried parents. The Conrad-Lieberman amendment is designed as a comprehensive strategy to take on this challenge.

Mr. President, the Conrad-Lieberman amendment does the following:

It provides $150 million over 7 years for States to develop adult-supervised living arrangements. I call them ''second-chance homes.'' They are places where young, unmarried mothers can get the structure and supervision they need to turn their lives around.

It retains the requirement that teen parents live with their parents or another responsible adult.

It requires that they stay in school.

It establishes a national goal to prevent out-of-wedlock pregnancy to teens by 2 percent a year.

It encourages communities to establish their own teen pregnancy prevention goals.

Finally, it calls for the aggressive prosecution of men who have sex with girls under the age of 18.

Mr. President, I think the most compelling testimony before the Finance Committee was from Sister Mary Rose McGeady, the head of Covenant House. She has been in the trenches, she has fought this battle, and she has been succeeding. They have dealt with hundreds of young mothers who have come into their facilities and have had the structure, the support, and the discipline, and the help in seeing themselves as having a future, the vision to see that they could do something more with their lives, if they did not have another child before they were able to care for it. Sister Mary Rose reported that they have been very successful in preventing those young women from having another child.

Mr. President, I read in the RECORD yesterday the statement of Elena, a young woman in New York who was in one of these second-chance homes. I will repeat her statement:

I feel this is a place where I can get my life together. I am getting my education and learning to work. My mother never cared if I went to school, and she never told me about having babies or being a parent. The people here and the programs here are helping me. I am learning to be a teacher's assistant so that I can go to college and start my own business and get off of public assistance. I needed this chance.

Elena is not alone. There are others like her that need a chance.

Mr. President, I ask to have printed in the RECORD a statement of Bishop John Ricard, Chairman of the Domestic Policy Committee, United States Catholic Conference, a statement of Catholic Charities USA also be printed in the RECORD, and a National Council of Churches of Christ in the USA, a statement in support of the amendment, also be printed in the RECORD.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF BISHOP JOHN H. RICARD, SSJ, CHAIR, DOMESTIC POLICY COMMITTEE, UNITED STATES CATHOLIC CONFERENCE

We are pleased to offer our support and encouragement to the efforts of Senator Conrad and others to provide education, training and adult supervision to teen parents as part of welfare reform in the Senate. We are hopeful that this approach will be adopted rather than the cut-off of all benefits to teen parents which some Senators are proposing. We opposed such measures in the House welfare reform bill.

In its March 1995 welfare reform statement, the Catholic Bishops' Conference Administrative Board urged that alternatives be proposed ''which safeguard children but do not reinforce inappropriate or morally destructive behavior.'' The Bishops went on to state that the Catholic Church works every day against sexual irresponsibility and out-of-wedlock births and they do not believe that teenagers should be encouraged to set up their own households. At the same time, however, the statement criticized legislation which would deny benefits to children born to teen parents, especially in states that pay for abortions. We believe that the Conrad Amendment goes a long way towards providing appropriate options for teen parents who

are eligible for assistance without encouraging them to resort to abortion.

NATIONAL COUNCIL OF THE CHURCHES
OF CHRIST IN THE USA,
Washington, DC.

STATEMENT ON PROVISIONS RELATED TO TEEN PREGNANCY IN WELFARE REFORM LEGISLATION

(By Mary Anderson Cooper, Associate Director, Washington Office)

As people of faith and religious commitment, we in the churches are called to stand with and seek justice for people who are poor. We share a conviction, therefore, that welfare reform must not focus on eliminating programs but on eliminating poverty and the damage it inflicts on children (who are ⅔ of all welfare recipients), on their parents, and on the rest of society.

We are particularly concerned that children not be victimized by attempts at welfare reform. We reject proposals which would deny benefits to children born to unmarried mothers under the age of 18 in the name of preventing teen pregnancy. Although such proposals are focused on the desirable goal of reducing pregnancy outside of marriage, we believe that they would result in punishing children and their parents. Denying cash benefits for such families will inevitably mean that the children and their mothers will eat less well and live less well than they would have if they had received cash benefits, and that their health will be undermined. Whatever we may feel about the behavior or situation of their parents, as a nation we must not allow children to become the victims of a drive to reduce federal spending or to punish their parents for conduct deemed inappropriate by Congress.

While we oppose denial of benefits to children born to unmarried mothers, we do not believe that remaining silent on the issue of teen pregnancy is helpful. The bearing of children outside of marriage has reached nearly epidemic proportions in this country. Both children and their parents suffer as a result of this situation. There is much scholarly evidence to suggest that despair about the future is one of the things that leads young women to give birth before they are able to care for their children in a stable family setting. It is our belief that providing young people with genuine hope for their futures is one key way of discouraging adolescent pregnancies. Education, job training, and creation of employment opportunity are components of that hope, as is having the chance to relate to caring adults.

The amendment being proposed by Sen. Conrad and his colleagues goes a long way toward meeting our concern about providing education and a chance at a decent future and discouraging future pregnancies outside of marriage. By providing cash benefits to allow young mothers to stay at home with their parents and finish high school, the amendment removes the incentive for them to set up separate, unsupervised living arrangements. Their is legitimate concern about the safety of young mothers who are in abusive households; but Sen. Conrad's amendment contains thoughtful provisions to allow such individuals to leave inappropriate homes to live in other supervised setting with caring adults. We particularly commend this flexibility.

We recognize that the federal deficit must be reduced. Nonetheless, we believe that reducing welfare costs by denying benefits to teenaged mothers and their children is shortsighted and will lead to the creation of a human deficit that will ultimately be more damaging to our country than an unbalanced budget could ever be.

A STATEMENT OF SHARED PRINCIPLES ON WELFARE REFORM—INTRODUCTION

As people of faith and religious commitment, we are called to stand with and seek justice for people who are poor. This is central to our religious traditions, sacred texts, and teachings. We share a conviction, therefore, that welfare must not focus on eliminating programs but on eliminating poverty and the damage it inflicts on children (who are ⅔ of all welfare recipients), on their parents, and on the rest of society.

We recognize the benefit to the entire community of helping people move from welfare to work when possible and appropriate. We fear, however, that reform will fail if it ignores labor market issues such as unemployment and an inadequate minimum wage and important family issues such as the affordability of child care and the economic value of care-giving in the home. Successful welfare reform will depend on addressing these concerns as well as a whole range of such related issues as pay equity, affordable housing, and access to health care.

We believe that people are more important than the sum of their economic activities. Successful welfare reform demands more than economic incentives and disincentives. It depends on overcoming biased assumptions about race, gender and class that feed hostile social stereotypes about people living in poverty and suspicions that people with perspectives other than our own are either indifferent or insincere. Successful welfare reform will depend ultimately upon finding not only a common ground of policies but a common spirit about the need to pursue them for all.

The following principles do not exhaust our concerns or resolve all issues raised. The principles will serve nonetheless as our guide in assessing proposed legislation in the coming national welfare debate. We hope they may also serve as a rallying point for a common effort with others throughout the nation.

PRINCIPLES

An acceptable welfare program must result in lifting people out of poverty, not merely in reducing welfare rolls.

The federal government should define minimum benefit levels of programs serving low-income people below which states cannot fall. The benefits must be adequate to provide a decent standard of living.

Welfare reform efforts designed to move people into the work force must create jobs that pay a livable wage and do not displace present workers. Programs should eliminate barriers to employment and provide training and education necessary for inexperienced and young workers to get and hold jobs. Such programs must provide child care, transportation, and ancillary services that will make participation both possible and reasonable. If the government becomes the employer of last resort, the jobs provided must pay a family-sustaining wage.

Disincentives to work should be removed by allowing welfare recipients to retain a larger portion of wage earnings and assets before losing cash, housing, health, childcare or other benefits.

Work-based programs must not impose arbitrary time-limits. If mandated, limits must not be imposed without availability of viable jobs at a family-sustaining wage. Even then, some benefit recipients cannot work or should not be required to work. Exemptions should be offered for people with serious physical or mental illness, disabling conditions, responsibilities as caregivers for incapacitated family members, and for those primary caregivers who have responsibility for young children.

Welfare reform should result in a program that brings together and simplifies the many efforts of federal, state and municipal governments to assist persons and families in need. ''One-stop shopping centers'' should provide information, counseling, and legal assistance regarding such issues as child support, job training and placement, medical care, affordable housing, food programs and education.

Welfare reform should acknowledge the responsibility of both government and parents in seeking the well-being of children. No child should be excluded from receiving benefits available to other siblings because of having been born while the mother was on welfare. No child should be completely removed from the safety net because of a parent's failure to fulfill agreements with the government. Increased efforts should also be made to collect a proper level of child support assistance from non-custodial parents.

Programs designed to replace current welfare programs must be adequately funded. They will cost more in the short-term than the present Aid to Families with Dependent Children; but if welfare reform is successfully implemented, they will cost less as the number of families in need of assistance diminishes over the long-term. Funds for this effort should not be taken from other programs that successfully serve poor people.

NATIONAL ENDORSING ORGANIZATIONS

Adrian Dominican Sisters; American Baptist Churches, USA; American Ethical Union, Inc., National Leaders Council (AEU); American Friends Service Committee; Bread for the World; Church of the Brethren, Washington Office; Church Women United; Columban Fathers Justice and Peace Office; Episcopal Church; General Board of Global Ministries, United Methodist Church, Institutional Ministries; General Board of Church and Society, United Methodist Church; Interfaith IMPACT for Justice and Peace; Jesuit Social Ministries, National Office; Evangelical Lutheran Church in America; Maryknoll Society Justice and Peace Office; Mennonite Central Committee, Washington Office; Committee on Church and Society, Moravian Church, Northern Province; National Council of Churches; National Council of Jewish Women; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church (USA), Washington Office; Union of American Hebrew Congregations; Unitarian Universalist Service Committee; United Church of Christ, Office for Church in Society.

CATHOLIC CHARITIES USA,
August 4, 1995.

DEAR SENATOR: As the Senate takes up welfare reform, we urge you to adopt provisions to strengthen families, protect children, and preserve the nation's commitment to fighting child poverty.

Across this country, 1,400 local agencies and institutions in the Catholic Charities network serve more than 10 million people annually. Last year alone, Catholic Charities USA helped more than 138,000 women, teenagers, and their families with crisis pregnancies. Because Catholic agencies run the full spectrum of services, from soup kitchens and shelters to transitional and permanent housing, they see families in all stages of problems as well as those who have escaped poverty and dependency.

This broad experience, along with our religious tradition which defends human life and human dignity, compels us to share our strong convictions about welfare reform.

The first principle in welfare reform must be, ''Do no harm.'' Along with the U.S. Catholic Conference, the National Right-to-Life Committee, and other pro-life organizations, we have vigorously opposed child-exclusion provisions such as the ''family cap''

and denial of cash assistance for children born to teenage mothers or for whom paternity has not yet been legally established.

We are also convinced that the idea of rewarding states for reducing out-of-wedlock pregnancies is well-intentioned but dangerous in light of the fact that the only state experiment in this regard, the New Jersey family cap, already has increased abortions without any significant reduction in births. The ''illegitimacy ratio'' may well encourage states to engage in similar experiments that would result in more abortions and more suffering.

We also support Senator Kent Conrad's amendment, which not only would require teen mothers to live under adult supervision and continue their education, but also would provide resources for ''second-chance homes'' to make that requirement a reality.

The second principle should be to protect children. We are very concerned that the new work requirements and time limits for AFDC participation will leave children without adequate adult supervision while their parents are working or looking for work. The key to successful work programs is safe, affordable, quality day care for the children. The bill before the Senate does not guarantee or increase funding for day care to meet the increased need associated with the work requirements and time limits. Please, support amendments by Senators Hatch, and Kennedy to guarantee adequate funding to keep children safe while their mothers try to earn enough to support them.

The third principle should be to maintain the national safety net for children. We oppose block granting Food Stamps, even as a state option, because the Food Stamp program is the only national program available to feed poor children of all ages with working parents as well as those on welfare. On the whole, the Food Stamp program works well, ensuring that children in even the poorest families do not suffer from malnutrition.

We are encouraged by the fact that Senator Dole's bill does not seek to cut or erode federal support for child protection in the child welfare system. Proposals to block grant these essential protections are ill-advised and dangerous to children who are already abused, neglected, abandoned, and totally at the mercy of state child welfare systems. Federal rules and guarantees are essential to the safety of children.

The fourth principle should be fairness to all citizens. Certain proposals before the Senate would create a new category of ''second-class citizenship,'' making immigrants ineligible for most federal programs, even after they become naturalized Americans. We urge you to reject this and other proposals that would leave legal immigrants without the possibility of assistance when they are in genuine need.

The fifth principle should be to maintain the national commitment to fighting child poverty. In exchange for federal dollars and broad flexibility, states should be expected to maintain at least their current level of support for poor children and their families. We understand that Senator Breaux will offer such an amendment on the Senate floor. Please give it your support.

In our Catholic teaching, all children, but especially poor and unborn children, have a special claim to the protection of society and government. Please vote for proposals that keep the federal government on their side.

Sincerely,

FRED KAMMER, SJ,
President.

Mr. COATS. Mr. President, each year, over 1 million teenagers become pregnant. For many, the birth of the child signals the beginning of the cycle of welfare dependency. In 1993, the U.S. Department of Health and Human Services reported at least 296,000 unmarried teen mothers on welfare, 67,000 under the age of 18.

The current system of providing cash under AFDC to young teenage parents has failed. It has undermined families and provided the economic lifeline for generations of welfare dependency. It was wrong from the beginning for Government to provide checks to 15-year-old girls on the condition that they leave home and remain unmarried.

But as this destructive policy is reconsidered, many young, pregnant women are still in need, not of cash, but of direction, compassion and support. Ending AFDC could have the perverse effect of encouraging these women to have abortions, which would compound the tragedy, not solve it. Neither the status quo, nor a total cutoff, are good options. Creative ways must be found to give women in crisis pregnancies compassionate help in their own communities.

Private and religious maternity homes, also known by some as second chance homes, provide that help. They are a one-stop supportive environment where a young woman can receive counseling, housing, education, medical services, nutrition, and job and parenting training that gives them real opportunity for growth and decision making. Whether a pregnant mother makes a decision to parent themselves or to place the child up for adoption, she will receive important care, training, and life management skills to enable her make effective choices that will place her on the road to self-sufficiency.

Studies have shown that the infant mortality rate of babies born to residents of maternity homes is much lower than the national average. In addition, residents are more likely to complete their education and receive better paying jobs than teens who continue in regular schools through their pregnancies. Those teens who choose to parent are provided intensive parenting courses so that their children are at less risk for abuse and neglect.

Maternity homes are proven success stories. St. Elizabeth's Regional Maternity Center of New Albany, IN, is a prime example. Their mission is to ''address the needs of women and families that are in a crisis pregnancy by offering physical, emotional and spiritual support to ensure the physical and emotional health of the mother and the health of the baby.'' The results of St. Elizabeth's, like many other maternity homes, is impressive. Seventy percent of the women enrolled in their program have moved from welfare to self-sufficiency. Eighty-five percent have earned a diploma or GED.

Mr. PRYOR. Mr. President, I rise today to voice my support for the Conrad teen parent amendment and to take a few minutes to discuss a serious social problem that must be addressed—teenage pregnancy.

Senator CONRAD's amendment allows all States to do what my home State of Arkansas is already doing. Currently, Arkansas has a waiver to operate two programs for teen parents. The first requires minor parents to remain in their parents' or guardian's household in order to receive AFDC benefits. If a teenage parent is unable to live at home, the State places the young woman in an adult-supervised living arrangement. Teens should not be on their own raising a child. They need supervision, education, and support.

The second, requires teenage parents who have not finished high school to attend school or another training program to receive benefits, the point being that these teen mothers will never become self-sufficient if they drop out of school. However, the benefits are two-fold. The parent gets the education and skills she needs to become self-sufficient, and the children of these teen parents have a better chance of completing school themselves.

Mr. President, I cannot stress enough the need for programs that will educate these mothers and their children. It may be the only way we can decrease the welfare rolls. By teaching young adults about the consequences of teen pregnancies and the importance of an education, we can keep these young people out of welfare lines and focused on improving their future. Our Nation must work together to fight teen pregnancy. We should involve businesses, schools, religious institutions, and community organizations in order to bring together all facets of society in an organized effort to combat teen pregnancy both now and in the next generation.

Although birth rates among all teenagers are lower now than during the 1950's, the birth rate among unmarried teenagers has risen sharply over the last 30 years. In 1970, 70 percent of births to teens were to married teens. Now, 70 percent of births are to unmarried mothers. I find this statistic frightening.

My home State of Arkansas runs a close second to Mississippi for highest level of teen pregnancies. Among women ages 15 through 19, 80 out of every 1,000 give birth. In fact, in 1992, teenagers gave birth to more than 7,000 children in Arkansas. These facts cannot be ignored.

Another fact that cannot be ignored: teens from poor and educationally disadvantaged families are more likely to become pregnant than those from more affluent and highly educated parents. A recent study indicated that education is the number one predictor of teen pregnancy. Teenagers whose mothers have at least a high school education are half as likely to become teen mothers themselves. I am convinced that education is the key to our teen pregnancy problem. I realize that this is not a cheap solution, nor is it a quick

one. It could take a generation to reduce teen pregnancies significantly. The point is, of the limited amount we know about teen pregnancy prevention, we do know that education works. We should require young women who get pregnant to stay in school. It is the only chance they have to be able to provide a future for themselves or for their child.

Although teenage parents make up only a very small percentage of the current AFDC caseload, many older women on welfare had their first child as teenagers. Almost half of all adolescent mothers, both married and unmarried, began receiving AFDC within 5 years of giving birth for the first time. For unmarried adolescent mothers, this number increases to three-fourths. The fact is that the birth of a child compounds the disadvantages that many young people face and makes it more likely that they will live in poverty.

Mr. President, my State requires teen mothers to live with a responsible adult and to stay in school through waivers to the current AFDC program. These programs are effective because they say to these young parents that we, our society, and our Government, are willing to help them succeed, to help them learn, to allow them to have the opportunities that they, as American citizens, deserve. I do not believe that Arkansas is the only State which would benefit from such programs. This is why I support Senator CONRAD's teen parent amendment, and I urge my colleagues to join me in this support.

Mr. DOLE. Mr. President, I have been trying to work out the amendment. I thought if we worked it out on the basis we would accept it and not be required to have a rollcall vote. As far as I know it is unanimous. I thought that is what part of the package was.

Mr. CONRAD. I just say this to the leader. I was hopeful we could do this without a vote. Others who have been involved in this have insisted on a vote, and I am duty bound to honor their request after all.

Mr. DOLE. I may not be duty bound to accept it. We will see what happens here. My view was we were trying to speed up the process. It is now 20 minutes of 9 o'clock. We have been working in good faith all day. I do not know who requested the vote. I wish they were there. We spent an hour on the amendment. We could have had three or four votes. We will reserve judgment on the amendment.

Mr. CONRAD. I thank the majority leader. I say I was hopeful we could avoid a vote, and perhaps that could still be done. Maybe we can hear from Senator LIEBERMAN.

Mr. CHAFEE. Could I say it is a tremendous amendment. Everybody is for it. I do not see why we do not accept it and get it over with.

I wonder if the Senator might do this. We have other amendments. If he could check with his cosponsors and see if they drop their objections as we are dealing with the other amendments, then we can at least pick up some time.

Mr. CONRAD. I hope maybe we could have Senator LIEBERMAN make a brief statement before we resolve it. The idea was to have a whole——

Mr. CHAFEE. All Senator LIEBERMAN can do is to lose now. Everybody is for the amendment.

I yield 2 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, heeding the admonition, growing up in Connecticut State politics really always taught me when you got the votes call the roll.

I will be very brief and just say this: We have all talked about the problem of teenage pregnancy, of babies born out of wedlock and the extent to which that expands the welfare rolls; of the extent to which children born to poor, unwed mothers are born to a life that has very little hope in it; of the extent to which babies born to unwed mothers without a father in the house too often grow up to be the violent young criminals that disrupt, threaten, and hurt so many law-abiding people in our society.

On this bill I think we are beginning to do something about the problem of teenage pregnancy and illegitimate births. No one can claim any certainty about how to deal with, let alone solve, so profound and complicated a human problem. We have begun to offer some opportunities to the States particularly to make a difference.

Earlier today we sustained the part of this bill that deals with illegitimacy ratios and creates bonuses to States that are doing a good job at reducing the rate of illegitimacy.

Here in the amendment Senator CONRAD and I have crafted, which the Republican leader has worked with us on throughout the day, I think we make another constructive contribution.

We set up a national program with national goals. We recognize the startling fact that so many of the babies born to teenage mothers are actually fathered by adult men by calling on the States to once again enforce statutory rape laws, and we fund these very hopeful second-chance homes.

I thank all on both sides who have worked to put this amendment together. It is constructive. It can make a difference.

Let me say for the record I am not the one asking for the vote. I thank the Chair.

Mr. CHAFEE. I yield back the remainder of my time.

Mr. CONRAD. Might I ask for 15 seconds to resolve this matter?

Mr. President, we have checked with cosponsors who had made a commitment to ask for a vote on this matter, and we have persuaded them that the better part of valor is to have this accepted.

I ask unanimous consent that Senator ROCKEFELLER be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I ask that the majority leader also be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. The amendment is agreeable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2528), as modified, was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I ask that the votes we are going to have be set aside for 10 minutes so the Senator from New Jersey can be heard.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2496

Mr. BRADLEY. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment No. 2496 is pending. The Senator is recognized for 5 minutes.

Mr. BRADLEY. The purpose of this amendment is simply to put back into place the basic elements of a cash assistance program, which were left out, I hope inadvertently, from the bill. Without retaining at least the basic core of a system that assists poor families, we would have nothing to reform. It simply requires States to set their own rules for assistance and then follow those rules.

What is it we are trying to do here? I think, or I thought, that we were trying to change the welfare system to send clear messages about values, work, and responsible parenting. But if you wants to send a clear message, the rules have to be clear and firm. Parents have to know that if they violate the State rules, they will lose benefits, period. And if they follow the rules, look for work, take responsibility, they will be helped. Period.

Under the bill, States may use the grant in any manner that is reasonably calculated to accomplish the purpose of this part, and that purpose is defined simply as assisting needy families, which can mean anything. States could conceivably do no more than to refer needy families to a facility where some surplus cheese might be available for parents. States could operate a totally chaotic, arbitrary, discriminatory, or virtually nonexistent welfare system, while still collecting their funds under this block grant.

Governors have assured us that they will administer funds fairly and responsibly. I have no doubt that most of them will try to. But we also know that most States will face increasing financial pressure. Only a few States, according to the CBO, can afford to pay for the work requirements in this bill.

So even if States don't completely ignore whole populations, they might provide minimal assistance in one region of the State or put very needy applicants on a waiting list after the Federal funds run out.

The result will be the opposite of what is intended. Instead of imposing time limits on those who have been on welfare for a long time, we will put people who need help for the first time on a waiting list.

Without basic standards, work requirements would become meaningless, since there is no basic definition of who is eligible and therefore who should be in a work program. If a State has trouble meeting the work participation requirements under this bill, they can simply stop serving those who are having the most trouble finding work.

This amendment requires States to set basic eligibility standards, define categorical exceptions—such as time limits—and then follow those rules by assisting everyone eligible under those State rules. Everything in this debate suggests that this is what we expect States to do, so why not spell it out.

My amendment retains every aspect of State flexibility ever asked for by any Governor. States would be free to set eligibility standards and benefits, as they do now, and to set rules for income and assets. They could set short-time limits or deny benefits to unwed teen mothers or additional children born to women receiving benefits, as long as they apply the rules consistently.

I have also made clear in this amendment that States could also cut off benefits to any family under the terms of an individualized agreement with the family. The most innovative States, like Iowa and Utah as well as New Jersey, currently establish such contracts setting specific obligations for each family. A parent might agree, for example, to seek substance abuse treatment, and face a cutoff of benefits if he or she does not comply. This amendment makes clear that States can cut off benefits for failure to comply, as long as the rules are clear.

This amendment does not challenge any specific reasons a State might choose to cut a family off benefits, even though I have doubts about the merits of some of the categorical cutoffs in the House bill. What this amendment goes after is the arbitrary refusal to help a family: The waiting list. The neglected region of a State. The bureaucrat who has not gotten around to looking at the application. The agency that does not want the hassle of dealing with someone who will require more time to place in a job.

States could set any rules they like. But people have to know what the rules are. It's a very simple amendment, but without it, this bill is meaningless, empty, and potentially devastating news for families with children.

Rebuttal to claim that this amendment recreates entitlement.

This amendment does not entitle anyone to anything. It gives States total freedom to develop any kind of rule under which an individual can be cut off. If a State wants to say, you receive no benefits if you are seen jaywalking, they can do it.

Rebuttal to claim that this amendment is too prescriptive on States:

If Governors are concerned that this would prevent them from implementing some policy that they want to enact, I would like to know what that is. If Governors want to do something different from writing new rules and implementing them, I think they own us an answer about what it is they want to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2496) was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that there be 2 minutes between the second, third, fourth, and fifth rollcall votes—second, third, and fourth rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. And that after the first rollcall vote, the votes be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2526

The PRESIDING OFFICER. The question occurs on amendment No. 2526, offered by the Senator from Alabama [Mr. SHELBY] in which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] is necessarily absent.

The PRESIDING OFFICER (Mr. GRASSLEY). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 425 Leg.]

YEAS—93

Abraham	Conrad	Grassley
Akaka	Coverdell	Gregg
Ashcroft	Craig	Harkin
Baucus	D'Amato	Hatch
Bennett	Daschle	Hatfield
Biden	DeWine	Heflin
Bingaman	Dodd	Helms
Bond	Dole	Hollings
Boxer	Domenici	Hutchison
Bradley	Dorgan	Inhofe
Breaux	Exon	Inouye
Brown	Faircloth	Jeffords
Bumpers	Feinstein	Johnston
Burns	Ford	Kassebaum
Campbell	Glenn	Kempthorne
Chafee	Gorton	Kennedy
Coats	Graham	Kerrey
Cochran	Gramm	Kerry
Cohen	Grams	Kohl
Kyl	Murkowski	Shelby
Lautenberg	Murray	Simon
Leahy	Nickles	Simpson
Levin	Nunn	Smith
Lieberman	Pell	Snowe
Lott	Pressler	Specter
Lugar	Pryor	Stevens
Mack	Reid	Thomas
McCain	Robb	Thompson
McConnell	Rockefeller	Thurmond
Mikulski	Roth	Warner
Moseley-Braun	Santorum	Wellstone

NAYS—5

Bryan	Feingold	Packwood
Byrd	Moynihan	

NOT VOTING—2

Frist	Sarbanes

So the amendment (No. 2526) was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MOYNIHAN. May we have order, Mr. President.

Mr. DOLE. Mr. President, I have just had a discussion with the distinguished Democratic leader, Senator DASCHLE, and we would like anybody here who feels compelled—I underscore the word compelled—to offer an amendment tonight or sometime during the night to let us know during this next vote. We would like to wrap up this bill. We are working on a major amendment that we think will be acceptable. And I know some people think they need to offer every amendment, and some of these amendments are not really germane to this bill. But we would like to have some idea of how many amendments we have left.

So if you would either let me know, if it is a Republican amendment, or Senator DASCHLE know, or the managers know, between now and the time the next couple of votes end, we would appreciate it.

AMENDMENT NO. 2669

The PRESIDING OFFICER. The next order of business is the Mikulski amendment 2669, 2 minutes evenly divided.

Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator has 1 minute.

Ms. MIKULSKI. This amendment is offered by Senator BRADLEY and myself. Its purpose is to bring men back into the family: No. 1, to have tough child support; No 2, to promote marriage, and, No. 3, to end the parent trap that is in the GOP welfare reform bill. The GOP welfare reform bill does nothing to restore men in families.

What this amendment does is provide job placement for noncustodial fathers, meaning if a dad wants a job and to go to work, if he does not have work, we work to place him in it.

No. 2, we prevent States creating welfare rules that penalize marriage

and push men out of the family, particularly where they work more than 100 hours a month.

We also promote marriage. It says that where there is a family cap, this amendment would require them to come up with incentives that promote marriage. The other is we would pay child support to mothers, not to child support.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. MIKULSKI. Our amendment is good for fathers, for kids, for America. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

The majority leader.

Mr. DOLE. Mr. President, I know the Senator feels very strongly about this amendment.

Let me just say, we have tried to accommodate a number of major amendments—child care. We have lost some savings on this bill, and our savings are not nearly as much as the House side. This amendment would cost $920 million over the next 7 years. That is almost $1 billion. There is no offset. It would come right out of the savings. I hope it will be rejected.

The PRESIDING OFFICER. Does the Senator yield back the time?

Mr. DOLE. I yield to the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, in addition to this amendment costing $1 billion, this sets up a job training and job search program for deadbeat dads and for people who let their kids go on welfare.

You have a hard-working parent who is trying to help their children, who is working in a job. They do not get any help from the Government. But if you have a deadbeat dad and you let your kids go on welfare, we are going to set up a job training and job search program for you. This is a misguided amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. This is a 10-minute rollcall vote. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—34

Akaka	Dorgan	Kennedy
Biden	Feingold	Kerry
Bingaman	Ford	Kohl
Boxer	Glenn	Lautenberg
Bradley	Harkin	Leahy
Breaux	Heflin	Levin
Conrad	Hollings	Lieberman
Daschle	Inouye	Mikulski
Dodd	Johnston	Moseley-Braun
Murray	Robb	Wellstone
Pell	Rockefeller	
Reid	Simon	

NAYS—64

Abraham	Faircloth	McConnell
Ashcroft	Feinstein	Moynihan
Baucus	Gorton	Murkowski
Bennett	Graham	Nickles
Bond	Gramm	Nunn
Brown	Grams	Packwood
Bryan	Grassley	Pressler
Bumpers	Gregg	Pryor
Burns	Hatch	Roth
Byrd	Hatfield	Santorum
Campbell	Helms	Shelby
Chafee	Hutchison	Simpson
Coats	Inhofe	Smith
Cochran	Jeffords	Snowe
Cohen	Kassebaum	Specter
Coverdell	Kempthorne	Stevens
Craig	Kerrey	Thomas
D'Amato	Kyl	Thompson
DeWine	Lott	Thurmond
Dole	Lugar	Warner
Domenici	Mack	
Exon	McCain	

NOT VOTING—2

Frist Sarbanes

So the amendment (No. 2669) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, we must have order as a procedural matter is about to be discussed.

The PRESIDING OFFICER. Will the Senator suspend? The Senator from New York wants order. The Chair asks every Senator to pay attention to the Senator from Rhode Island who seeks the floor.

AMENDMENT NO. 2517, AS MODIFIED

Mr. CHAFEE. Mr. President, just to intervene here, we are prepared to accept the following amendment after the Feinstein amendment, which is the DeWine amendment. I know the Senator from Mississippi had some reservations, and there are some changes that we would make in that DeWine amendment before the conference. The other side is prepared to accept it, and we are prepared to accept the DeWine amendment.

The PRESIDING OFFICER. Is the Senator from Rhode Island seeking to vitiate the yeas and nays on the DeWine amendment?

Mr. CHAFEE. Correct. I ask unanimous consent that the yeas and nays be vitiated on the DeWine amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the DeWine amendment No. 2517, as modified.

So, the amendment (No. 2517), as modified, was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2478

The PRESIDING OFFICER. The next issue before the Senate is the Feinstein amendment 2478, with 2 minutes evenly divided. Who yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, the bill, as presently drafted, would deny cash and noncash welfare benefits to naturalized citizens. The Constitution of the United States provides for one class of citizens, and the only place it diverges is with respect to the President of the United States.

In every other case, a naturalized citizen is as good as a native-born citizen. I believe it is extraordinarily important that this amendment be adopted. It is supported by the American Bar Association, by the Governor's conference, by the State legislatures, by Mayor Giuliani, by Mayor Riordan of Los Angeles, by virtually a whole host of organizations. It would be my hope that in this bill we do not, for the first time in American history, create two classes of American citizens.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Wyoming is recognized for 1 minute.

Mr. SIMPSON. Mr. President, as many of you know, through the years, we do immigration reform legislation. It is always materially dressed, and then when we come to tough votes, we do not stick. This is one of those. We are not making second-class citizens of anyone. We are saying that whether you are naturalized or whether you are native born, one of the assets that is considered as to whether you are a public charge should be a contract, should be a court-ordered support, and we think that one of the things that should be in there is the affidavit of support of the sponsor. That is all we are saying.

That does not make anyone a second-class citizen. If you do not include that, then, in my mind, you are going to induce people to naturalize so they can get into the public support system. That is why I object to this measure.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. This is a 10-minute rollcall vote. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall vote No. 427 Leg.]

YEAS—37

Abraham	Glenn	Mack
Akaka	Graham	Mikulski
Biden	Harkin	Moseley-Braun
Boxer	Hatfield	Murray
Bradley	Inouye	Pell
Breaux	Jeffords	Robb
Chafee	Johnston	Santorum
Cohen	Kennedy	Simon
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	
Ford	Levin	

NAYS—61

Ashcroft	Exon	McConnell
Baucus	Faircloth	Moynihan
Bennett	Gorton	Murkowski
Bingaman	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Packwood
Bryan	Gregg	Pressler
Bumpers	Hatch	Pryor
Burns	Heflin	Reid
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Conrad	Kassebaum	Smith
Coverdell	Kempthorne	Stevens
Craig	Kerrey	Thomas
D'Amato	Kyl	Thompson
DeWine	Lieberman	Thurmond
Dole	Lott	Warner
Domenici	Lugar	
Dorgan	McCain	

NOT VOTING—2

Frist	Sarbanes

So the amendment (No. 2478) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, this is the last vote in this category. We have others coming after this. But the others have not yet been debated or rollcalls ordered. This is the last one in this group.

AMENDMENT NO. 2513

The PRESIDING OFFICER. The next order of business before the Senate is the Feinstein amendment numbered 2513. There are 2 minutes evenly divided.

Mrs. FEINSTEIN. Mr. President, under present law, deeming only applies to cash programs, AFDC, SSI and food stamps.

Without this amendment, there is a massive cost shift, particularly to four States: New York, Texas, Florida and California. That cost shift is literally hundreds of millions of dollars because it means that legal immigrants presently in this country today would not have access to Medicaid, to Head Start, to child protective services, to foster care, to any of those noncash programs.

Who would have to pick it up? The State or the local jurisdictions. It is a massive cost shift for four major States. I yield the floor.

Mr. DOLE. I say this is a $700 million reduction in the savings. I know it is a problem.

My view is we have already tried to accommodate a number of requests, and we believe we ought to protect the savings we have.

Mr. SIMPSON. Mr. President, we have already agreed to a Wellstone amendment which had to do with battered women and foster children, the exemption there. There was a Kennedy amendment with regard to Head Start, soup lines and kitchens. We have agreed to that.

This opens up this bill. This includes Medicaid, public housing, job training and any other program which does not provide cash assistance to the recipient.

We have a year's gap in the bill to take care of people in extremity who are broke or sponsors that cannot make it, or people who cannot make it and have no food and shelter. That is all in this bill. For a whole year we take care of those people.

This opens the gate for $707 million. I do not know where it is supposed to come from—maybe Medicaid.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2513. The yeas and nays have been ordered. This is a is 10-minute rollcall.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Mr. SARBANES], is necessarily absent.

The result was announced—yeas 20, nays 78, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—20

Akaka	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Inouye	Murray
Daschle	Johnston	Simon
Dodd	Kennedy	Specter
Feinstein	Kohl	Wellstone
Glenn	Mikulski	

NAYS—78

Abraham	Exon	Lott
Ashcroft	Faircloth	Lugar
Baucus	Feingold	Mack
Bennett	Ford	McCain
Biden	Gorton	McConnell
Bond	Gramm	Murkowski
Bradley	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Pryor
Byrd	Helms	Reid
Campbell	Hollings	Robb
Chafee	Hutchison	Rockefeller
Coats	Inhofe	Roth
Cochran	Jeffords	Santorum
Cohen	Kassebaum	Shelby
Conrad	Kempthorne	Simpson
Coverdell	Kerrey	Smith
Craig	Kerry	Snowe
D'Amato	Kyl	Stevens
DeWine	Lautenberg	Thomas
Dole	Leahy	Thompson
Domenici	Levin	Thurmond
Dorgan	Lieberman	Warner

NOT VOTING—2

Frist	Sarbanes

So, the amendment (No. 2513) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. MCCAIN). May we have order in the Senate? The Senate is not in order.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I believe the Senator from Florida is next in our sequence. May I ask how much time the Senator will require, how little time the Senator will require?

The PRESIDING OFFICER. The Chair notes the distinguished majority leader is seeking recognition.

Mr. DOLE. Mr. President, I was going to ask the same question, if we could get some agreement on time, or get a voice vote. Some of these things could be disposed of on a voice vote, I think. Like an 80-to-20 vote, we could probably determine that by audible vote, if somebody wanted that. But if we could get a time agreement, that would be a start.

Mr. GRAHAM. Mr. President, 20 minutes, equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. There will be 20 minutes, equally divided.

Mr. DOLE. I yield to the Senator from West Virginia, Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I hope Senators will take their cue from the majority leader and have voice votes. If it is any satisfaction to offer an amendment at this stage, just to offer it, get a voice vote on it. These amendments are not going anywhere. Most of these amendments are going to be dead on arrival when they get to conference. We are just wasting our time. There are not many Senators listening now. Look around these walls. Just look at the people stacked around the walls. We cannot get order in the Chamber. Who wants to speak when Senators cannot listen? We are just wasting our time, spinning our wheels.

We have had a good run for the bill. We have had a vote on the Democratic substitute. Several amendments have gotten good votes. I know that every person who offers amendments feels that they are good amendments. But we have reached a point now where the law of diminishing returns has set in.

I hope Senators will curb their appetites for rollcall votes and call up their amendments, have a voice vote. We are not going anywhere anyhow. Not many amendments are even going to carry.

We have been on this bill now for 12 session days. We have all had a good chance at it. We have had our run at it. Let us go home. I have a wife waiting on me and my little dog, Billy.

[Laughter.]

We have reached a point now where we are just looking foolish.

I thank the leaders and all Senators who have listened.

Mr. MOYNIHAN. Mr. President, with some temerity making a point and bringing attention to the rules and the presence of the ROBERT C. BYRD, may I say that if they voice vote and it is close, a Senator may ask for a division and get a count. It need not take 20 minutes.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I want to say that perhaps we can help resolve it, too, if we can get this consent agreement. Let me read it for my colleagues, and everybody can decide.

I ask unanimous consent that the following amendments be the only amendments remaining in order, other than those cleared by the two managers; that they be debated this evening, and the votes occur on or in relation to the amendments tomorrow beginning at 9:30 a.m., with 10 minutes between each rollcall vote to be equally divided in the usual form:

Bingaman, No. 2483; Bingaman, No. 2484; Simon, No. 2468; Wellstone, No. 2503 and 2505; Kennedy, No. 2564; Kohl, No. 2550; Graham of Florida, No. 2509 and 2568; Gramm of Texas, No. 2615, as modified, and 2617; Levin-Dole modification No. 2486.

I further ask that following the votes, beginning at 9:30 a.m. on Friday, the two leaders be recognized to offer the compromise modification Dole amendment, with 40 minutes for debate to be equally divided in the usual form, and that following the conclusion or yielding back of time, the amendment be so modified.

I also ask that following the modification, it be in order for one amendment to be offered by the majority leader and one amendment to be offered by ten minority leader; and that following the disposition of the two leaders' amendments, if offered, the Senate proceed to the adoption of the Dole amendment 2280, as amended; and that following the disposition of the Dole amendment, the bill be advanced to third reading, and final passage occur at a time and day to be determined by the majority leader after consultation with the Democratic leader.

Let me explain what this would do. This would mean that those who do not have amendments would not have to stay here for debate. Debate would be completed this evening, and we will start to vote tomorrow.

That would also give additional time—because we do have a rather major drafting effort going on—to others to take a look at that tomorrow morning to see if it is satisfactory to people on both sides.

I think I inadvertently asked for a Bradley amendment, which might create a new entitlement program. I might need to strike that out. I did not read it carefully enough. I thank my colleague from New Jersey.

So I might do that tomorrow because they are going to score this, and I do not want to lose any additional money. We have lost a little today.

But that would be the UC agreement. I think we have protected everybody's rights.

Mr. DASCHLE. Mr. President, will the majority leader yield?

Mr. President, I must confess I looked at it—with one exception that I believe our staffs have looked at—and I am a little concerned on reflection that the 40 minutes may not be an adequate period of time for people to look at the larger compromise amendment. we want to give everybody a chance to do that. It could be that less than 40 minutes may be required. If we could just delete any reference to a period of time, that would satisfy us.

Second, if we could just have two amendments to be offered by the majority leader and the minority leader, I think that would take care of any concern that we have.

Mr. DOLE. Two by the majority and two by the minority.

I make those modifications.

I take out the following words: ''With 40 minutes for debate to be equally divided in the usual form.''

So the modification reads: To offer the compromise modification to the Dole amendment, and that following the conclusion or yielding back of time, the amendment be so modified.

Mr. WELLSTONE. Reserving the right to object, I shall not, I wonder whether on the Wellstone amendment 2503, I say to the majority leader, change that to ''modified.'' I think that is OK with everyone.

Mr. DOLE. 2503, as modified. No problem. And 2505.

Mr. WELLSTONE. 2505 is fine.

Mr. DOLE. 2503, as modified.

Mr. WELLSTONE. As I understand the agreement, the time for vote on final passage is still left.

Mr. DOLE. Let me just assure everybody, I think this is a very important vote. Nobody wants to miss this vote. I know that some people are necessarily absent tomorrow. Some are necessarily absent on Monday.

I hope we could say, after the Tuesday luncheons, if everybody is in town.

Mr. DASCHLE. If I could just add not only that concern, but because we have made a lot of changes throughout the day, I think everybody ought to have plenty of opportunity to look at it prior to the time they are going to be casting their vote.

So for both reasons, I think it would be good if we held it over until next week.

Mr. DOLE. We want to get to third reading, have a vote, and we can start on appropriations tomorrow and wrap those up in a few days.

[Laughter.]

Mr. BINGAMAN. Mr. President, could I ask the majority leader, does the unanimous consent agreement contemplate some time tomorrow for some few minutes to discuss each amendment before the votes occur?

Mr. DOLE. Ten minutes. If you do not want to stay tonight, there are 10 minutes between each vote tomorrow.

Mr. BINGAMAN. I thank the majority leader.

Mr. DOLE. It might be better to do it tomorrow.

Is there objection?

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving right to object, Mr. President, could we just have a better understanding as to when the final vote will occur?

Mr. DOLE. On the bill itself, final passage?

Mr. BYRD. Yes.

Mr. DOLE. It is my hope—I have not consulted with the Democratic leader—if all Members are in town, following the luncheons on Tuesday, we would vote following the luncheons on Tuesday.

Mr. BYRD. So is that part of the request?

Mr. DOLE. Yes. That is not part of the agreement in case somebody is ill or is not able to be here. I think we ought to make every effort to have everybody available.

Mr. BYRD. I thank the leader.

Mr. BRADLEY. Reserving the right to object, I understand what the majority leader said about the amendment that I offered. I wanted to assure him that the second part of the paragraph that I was reading explaining the amendment would have gotten to that aspect of the amendment. But the majority leader cut me off and moved to pass the bill.

So I appreciate what he said, and I look forward to tomorrow.

Mr. DOLE. I will strike out the second part, then.

[Laughter.]

But we will work it out. We will not have any problem.

Mr. KENNEDY. Mr. President, reserving the right to object, could I just say that the Senator mentioned amendment 2564. This was to make it agreeable with the Senator from Wyoming because it deals with a narrow element in terms of the refugees. He had agreed to changes on it. I would like to be able to modify that, if that is agreeable.

Mr. DOLE. Without objection, we would say 2564, as modified.

Mr. KENNEDY. I thank the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. We have the agreement.

So Senator BINGAMAN is up now.

Mr. MOYNIHAN. I believe Senator GRAHAM was.

Mr. DOLE. Senator GRAHAM from Florida, excuse me.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Thank you, Mr. President.

AMENDMENT NO. 2509

Mr. GRAHAM. I call up amendment 2509.

Mr. President, this is another amendment that relates to the provisions in the bill having to do with that arcane subject of deeming. Deeming means that in calculating the financial status of an individual you deem to include in that individual's assets and income the assets and income of a third party. In this case, the individual who is affected is a person who——

The PRESIDING OFFICER. Will the Senator suspend?

Will the Senate please by in order?

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, under this amendment, we are focused on one group of people, a finite, fixed number of individuals. Those are individuals who are in the United States lawfully as of the enactment date of this legislation. This is not an open-ended number of people which could be augmented by persons coming legally to the United States in the future.

What this amendment says is that for those people who are in the country legally today, legal aliens, they should be treated under the rules that exist today with one very major exception, and that is they would be treated in the legislation the majority leader would provide as it relates to supplemental Social Security income.

We are dealing in this amendment with a finite group of people, those who came into this country legally, who are in the country today, and who came here under certain rules and expectations. Frankly, one of those rules was that for many of these people they had a sponsor who sponsored their entry into the United States. Sadly, the fact is that by court ruling the sponsorships of legal aliens are extremely difficult to enforce, difficult to enforce by public agencies, difficult to enforce by private parties including the legal alien him or herself.

It seems to me extremely unfair, now that these people are in the country legally—and I underscore the word legally—to change the rules on them. It is particularly unfair for a specific group within this class that I would like to talk about, and that is those who have come here as relatively young people and are now enrolled in an educational program.

The largest community college in the country is Miami Dade Community College located in Miami. That one institution has some 20,000 legal immigrants within its student body, and 8,000 of those individuals are estimated to be ruled ineligible for student financial aid if an amendment such as the one that I have offered were not to be adopted.

Here are people trying to do exactly what the American dream is all about, to improve themselves by hard work, by education, by increasing their ability to contribute to the well-being of themselves, their families, their communities, and their Nation. With the failure to adopt this amendment, we would make it extremely difficult for many of these students to continue their education.

This legislation has the strong support of the American Association of Community Colleges and a variety of other State and local service providers who understand the implications of changing the rules for people who are in this country legally at the time this legislation goes into effect.

Mr. President, I appreciate your courtesy. I would like to yield time to actually the individual who was the original author of this legislation and who has been kind enough to allow me to join him in that effort, Senator SIMON of Illinois.

I wish to assure that Senator SIMON is fully listed as a sponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, is there a time agreement on this amendment?

The PRESIDING OFFICER. Ten minutes on either side.

Mr. CHAFEE. On both sides?

The PRESIDING OFFICER. Ten minutes on each side, 20 minutes equally divided.

Mr. CHAFEE. I have a question of the Senator from Florida. Is there any cost estimate on this?

The PRESIDING OFFICER. I remind the Senator from Rhode Island, questions are to be addressed through the Chair.

Mr. CHAFEE. I would ask the Chair——

The PRESIDING OFFICER. Or if the Senator from Rhode Island wishes unanimous consent to engage in colloguy with the Senator from Florida.

The Senator from Florida.

Mr. GRAHAM. The estimate is that over the 5 years the total cost is $600 million.

The PRESIDING OFFICER. Does the Senator from Florida yield time to the Senator from Illinois?

Mr. GRAHAM. I yield time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Florida has 5 minutes and 46 seconds remaining.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I shall use less than 2 minutes.

I would like to have the attention of my fellow colleagues who are here. What this amendment does is simply says let us make this prospective. Let us apply it in the future. Let us not take people who have agreed to sponsor people for 3 years and all of a sudden we are going to say sorry, this contract is for 5 years. And to take people who are in a college situation, who are going to become citizens, and say sorry, you are going to have to leave school, I do not think that makes sense.

I hope that the distinguished Senator from Rhode Island and the distinguished Senator from Kansas might consider accepting this amendment. I think it does make sense to do this prospectively, not retroactively.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I ask if the proponents of the measure—we have gotten the cost of it—if they have an offset, any way of paying for it?

Mr. GRAHAM. We do not have an offset.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield time to the Senator from Wyoming?

Mr. CHAFEE. Yes. Such time as he needs.

Mr. SIMPSON. I think 5 minutes would be adequate.

Mr. President, again, this is one of those areas of dealing with immigration and welfare and deeming provisions. Let us understand what deeming is. The sponsor brings you here to the United States, and his or her income is deemed to be yours. You as a sponsor are responsible for this person coming to the United States, for their assistance, their welfare. And you cannot come to the United States at any time if you are going to be a public charge. At any time you become a public charge while you are still in this category, you do not come on as a naturalized citizen. You must be self-sustaining. That has been the law since 1882.

So, again, we are at one of these impasses where I am surprised some of these have been successful. This is an ancient ritual. It is about people who say we want to do something about legal immigration, we want to do something about illegal immigration, and we want to do something about people who misuse the systems. But we do not.

Now, in the last Congress, we increased the deeming period for SSI to 5 years. We did that. We already did that. In his proposal—I hope you all hear this—President Bill Clinton in his proposed welfare reform bill raised the deeming period for AFDC and food stamps to 5 years. This President, President Clinton, has agreed that this is what we should do. That is what the Dole bill quite logically and properly then does. It sets a deeming period on all welfare programs at 5 years, in accordance with the directive and the wishes of the Justice Department and the President of the United States.

Please remember that the folks that are affected by this amendment were admitted as immigrants only—only—after they and their sponsors promised—promised—that they would not become dependent on public assistance at any time, period, not just for 5 years, but for any time.

Now, under this amendment, they would be permitted to access the public welfare systems of the United States after only as few as 3 years in the United States of America. The sponsor

would be off the hook, relieved of his promise of support, and the taxpayers would take over.

I think that is basically very wrong. I guess to paraphrase the words of Gertrude Stein: A sponsor is a sponsor is a sponsor. If you do not want to take care of someone when you bring them to the United States, do not sponsor them. If you bring them in as an immigrant, you have to. That is why people have misused the refugee programs. If you come here as a refugee, the Government takes care of all of it. So we have people coming here as refugees who do not qualify in any way as refugees.

We have presumptive refugees in certain areas of the world who wait 1½ years to come here after they have been designated as a presumptive refugee. You talk about gimmickry of the system. I have been at this game for 16 years, and there is plenty of it. And this amendment would cost $623 million over 7 years.

I want to say, too, that the students who the Senator has expressed concern for are sponsored immigrants who have been in the United States for less than 5 years. They are persons now seeking public assistance for college education who have a sponsor who promised, in order to get that immigrant admitted, to provide whatever assistance the immigrant might require in order to avoid becoming a public charge.

That is where we are. It is not pleasant in any way to continually year after year stand here and try to present the issues as they really are without being described as mean spirited, pinched, riven, uncaring.

That is not what we are talking about. We are talking about often people with a grand design of how to gimmick the systems. And if you really are watching, keeping your eye on the rabbit, this is not in any way helpful to the welfare system or to the immigration laws of the United States.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, first, the question was asked do we have an offset? I answered we do not have an offset. We adopted other amendments here which create new entitlements, new benefits, new tax preferences without requiring an offset. This is the law today. What we are attempting to do is to retain the law today for those people who came here with the state of the law as it is. We are not trying to change the rules.

We are trying to say, if these people came here with certain statements as to what their obligations would be, if the sponsor has entered into commitments with certain expectations as to what their obligations would be, we should keep those for those people who are in the country today. We are not proposing to make this an ongoing new standard. If you want to change the rules, we can change the rules and make it applicable to those who come after the rules are changed.

Mr. President, this is not a particularly popular issue because, among other things, we are dealing with a small group of people. But we are dealing with people who embody what we as Americans most applaud—people who desire freedom, independence, who want to be like us. People who are the target of this amendment are trying to improve themselves so they can be even better Americans.

I think it is both shortsighted and unfair to change the rules on these people and deny them, among other things, the opportunity to get that education that is going to make them a more productive citizen. These people will repay in their lifetime much more than the $600 million that this amendment calls for to continue to do for the next 5 years for these people what we have provided for them in the past and what we have considered to be in America's best interest. It was then. It is now. And at least it will be for this current group of legal aliens who are in our country, particularly those who are utilizing the opportunities to extend their education.

Let me yield to the Senator from Illinois.

Mr. SIMON. I thank my colleague.

Let me tell you what it does. JOHN MCCAIN sponsors an immigrant named ALAN SIMPSON. And JOHN MCCAIN agrees he is going to be responsible for 3 years. All of a sudden we have an amendment here that says, ''Sorry, JOHN MCCAIN. We have changed the law. You signed up for 3 years. We are going to make you responsible for 5 years.''

Second, it is true, as Senator SIMPSON says, that if you take these young people out of college—some maybe are not young—that temporarily we are going to save money. But we know from all the statistics that, if you let them stay in college, they are going to be more productive, pay taxes, and do more for our country and make ours a more productive country.

I think the amendment is a good amendment, and I hope we will have the good sense to adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has 4 minutes 21 seconds. The Senator from Florida has 1 minute 5 seconds.

Mr. GRAHAM. Mr. President, I reserve my 1 minute 5 seconds.

The PRESIDING OFFICER. Does the Senator from Rhode Island seek recognition?

Mr. CHAFEE. Mr. President, I yield the remainder of my time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I have not much time left. I just want to say again that when a sponsor gives an affidavit of support—if we are talking about the things cherished in America, let us talk about keeping a promise. That would be a good place to start.

When a sponsor agrees to bring in an immigrant, they agree that that person will not become a public charge. Not just for 5 years or 3 years, but the law says at any time. That is what the law says. I did not invent it. It came on the books in 1882. It says at any time, not just 5 years, not just 3. It does not matter what was thought to be agreed to, the sponsor is deemed to have their assets considered the assets of the immigrant for a period of any time, and that is the law of the United States and a contract or an obligation to do that——

Mr. GRAHAM. Will the Senator from Wyoming yield?

Mr. SIMPSON. Yes.

Mr. GRAHAM. If that is the law, why do we need to change it? The statement that you have is that there are set periods of time in which a sponsor's resources are deemed to be part of the sponsor-legal immigrant's economic status. Those have been the law. If you are saying those were meaningless, in fact the 3-year periods we used to have in the past were inapplicable then, why do we need to change the law now?

Mr. SIMPSON. Mr. President, in the last Congress, we increased the deeming period for SSI to 5 years. The President of the United States, in his welfare reform package, revised the deeming period for AFDC and food stamps to 5 years. We are trying to follow the President of the United States and his viewpoint.

Then you wonder where the support is coming from. I can tell you where it is coming from: A small cadre of educational institutions. That is where it is coming from. We are not going to injure them in the process.

We are just saying that a sponsor's promise is a sponsor's promise. I have been in these things for years. I am not the expert in any way. I would not even indicate that. But I do know what interest groups are when you deal with immigration. They come out of the woodwork. They are all out here right now, I suppose. There will be cadres of them. But one of them here is the group of educational institutions who see this, if this can get done, as tuition money, paid for.

We have Pell grants, we have all sorts of things. We do take care of people in society. No one should miss the fact we are going to vote on a debt limit of $5 trillion in a few weeks, and Medicare will be broke and Social Security will be broke in the year 2031 and will go broke and start its decline, its swan song in 2013, and we will not even deal with that on the floor of the U.S. Senate, either party.

Talk about obligations. And then just trot up $623 million and no place to get it. That is my humble viewpoint of this pointed issue.

The PRESIDING OFFICER. The Senator from Florida has 1 minute 5 seconds. The Senator from Rhode Island has 24 seconds remaining.

Mr. GRAHAM. Mr. President, I think the issue here is fairly simple. We have had rules under which people have guided their lives as it relates to the status of sponsors and legal immigrants, people who are in this country

playing by the rules, trying to prepare themselves to become self-sufficient, contributing Americans.

They are doing the heinous thing to continue their education: They are attending a vocational school; they are attending a community college. I think that is an activity that we should not say is just a matter of some interest group. Would you say the GI bill was just an interest group of a few college and university administrators? Of course not. It was a great program, it is a great program that has benefited this country manyfold.

That is what the issue is in this amendment. I believe that we ought to say to these people, as part of their learning about America, that we play by the rules that were established when the game started. For you, we are going to complete the rules. If you want to change the rules for those in the future, that is perfectly permissible. I believe we should adopt this amendment as both an immediate and long-term contribution to a better America. Thank you.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Wyoming has 24 seconds remaining.

Mr. SIMPSON. Mr. President, again, the affidavit of support may be for 3 years. But the overriding understanding of the American people is that the immigrant will not become a burden upon the taxpayers or the public. That is the issue. There is no other issue, especially not in his or her first 5 years here. It never would have been allowed to take place if they knew they were going to access the public support systems in the first 3 years of their presence here. That is what this is about. That was the real condition of admission. We are forgetting something here.

The PRESIDING OFFICER. All time has expired. Under a previous agreement, the vote will be stacked until tomorrow morning.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2468

Mr. SIMON. Mr. President, I do not know if we have an agreed-upon order, but I have an amendment I will be happy to discuss briefly.

I offer this amendment in behalf of Senator BROWN, Senator Reid and myself.

The PRESIDING OFFICER. The clerk will report.

Mr. SIMON. This is a modification. Let me offer it as a modification of amendment No. 2468.

Mr. President, I ask unanimous consent to modify amendment No. 2468.

If I may say to my colleague from Mississippi, what I am doing is instead of having this a setaside—this is the community WPA Program—I am making it an authorization so that I think it may be acceptable. We have passed this as an authorization by voice vote. Senator BOREN was the sponsor about a year ago.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. LOTT. Reserving the right to object, and I hope not to, Mr. President, but if I could address this question to the Senator from Illinois, has this been discussed or cleared, to his knowledge, with the managers?

Mr. SIMON. I have not had a chance. Senator BROWN indicated to me—I mentioned to him and to Senator REID that I was going to change it to an authorization because, frankly, the word was, as a setaside, it could be opposed on your side, but as an authorization, it might be approved. So that is the reason. I, frankly, have not had a chance to discuss it with the managers of the bill.

Mr. LOTT. Mr. President, has this been discussed with and cleared with the Senator's cosponsors, for instance, the Senator from Colorado, Senator BROWN?

Mr. SIMON. I discussed this with the Senator from Nevada and the Senator from Colorado, both of whom strongly support it. I might add that we had cosponsors of this, as independent legislation, from your side as well, and it was adopted by voice vote here earlier—not this session, but an earlier session—as part of a larger bill which was vetoed but had nothing to do with this.

Mr. LOTT. Mr. President, one final question, if I could. We do have a copy of the modified language?

Mr. SIMON. I have it at the desk. It just simply changes it from being a setaside to an authorization. Otherwise, there is no change.

Mr. LOTT. I wonder, Mr. President, if I can suggest to the Senator from Illinois, we have not had a chance to take a look at the legislation. As the Senator knows, some of the staff has already left. I wonder if it would be permissible, under the agreement we have, to wait and modify this in the morning. I feel like probably there will be no problem getting an agreement. As the Senator knows, I am filling in here, too. The Senator from Illinois can discuss the modification in the morning under the time agreement agreed to.

Mr. SIMON. That is perfectly satisfactory to me.

Mr. LOTT. I think what he has done is improved the prospects, and probably there will be no problem. At this time, without the managers here and without the staff directly involved not here, we would like to have a chance to look at it.

Mr. SIMON. The Senator's request is to withhold the request to modify?

Mr. LOTT. Right.

Mr. SIMON. OK. I will do that. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 2568

Mr. GRAHAM. Mr. President, I call up amendment No. 2568. It is one of the amendments under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 2568.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the Friday, September 8, 1995, edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I do not wish to belabor this issue, because it is really an offshoot issue we debated at some length yesterday and the day before yesterday which related to the fact that there are very extreme differences in the amount of Federal resources that the 50 States will receive under this legislation.

I introduced two amendments in an attempt to deal with that disparity. One of those amendments has been accepted and will be included in the managers amendment. That was what I called the ''embarrassment'' amendment.

In this bill, there is a provision which states that there will be a periodic or annual evaluation of how the individual States are performing under this bill, how well they are doing in terms of achieving its objectives, particularly in getting people off of welfare and into work.

I would compare that standard to a series of football teams, some of whom are made up of professionals and others are junior high school players, because that is about the way in which the 50 States are being equipped to carry out these responsibilities.

In the case of the assistant majority leader, his State is going to have to spend 88 percent of all of its Federal money just to meet the mandates in this bill. There are other States that can meet the mandates with less than 40 percent of the Federal money.

So the first amendment, which, as I indicated, has been accepted for inclusion in a managers' amendment, will simply say that when we go through this embarrassment test of how well you have done, part of that evaluation will be: How many resources did the State have? We are not going to ask the State that has one-tenth the resources of another to necessarily perform at the same level. We are not going to subject that State to the ridicule of its inability to reach the same level of accomplishment.

This is another amendment in the same spirit. We have in this bill a series of national work participation rates. For instance, for a family receiving assistance under this, where there

is a single adult in the family, we are expecting 25 percent participation in 1996, up to 50 percent participation by the year 2000.

Again, I think it is unrealistic and unfair to expect the same standard of achievement for all States, given the fact that the resources available are unequal. So I provide in this amendment that the Secretary of Health and Human Services, after consultation with the States, shall establish specific work participation rate goals for each State, adjusting the national participation rate goals to reflect the level of Federal funds the State is receiving under this program and the average number of minor children in the families having income below the poverty line for that particular State.

This will mean that we will set the goalposts consistent with how much money we are prepared to make available to that State. Those States that are going to be richly endowed under this program will have a long goalpost to meet. Those that are more limited in their participation will have a less demanding standard. That seems to me to be imminently fair and reasonable in terms of what we are going to be providing to the States to accomplish the objectives of this act.

Mr. President, that is the amendment. I urge its adoption. I think it will be an amendment that the Senators who are on the floor today, who represent some of that diversity, would be very receptive to, and possibly even willing to accept.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate?

Mr. LOTT. Mr. President, I think this issue has been discussed, as the Senator pointed out, at great length. I do not think there is going to be an inclination to just accept it. But this will be resolved tomorrow. How much time do we have on our side?

The PRESIDING OFFICER. There is no time agreement on the amendment.

Mr. LOTT. Mr. President, I am prepared to move to close, unless there is any other Senator who wishes to speak at this point.

Mr. GRAHAM. Mr. President, in order to protect our interest, I would like to ask for the yeas and nays on this amendment, indicating that if we can arrive at an amiable resolution of this, I would be prepared tomorrow to ask to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. Mr. President, after months of diligent work, the Senate is, at long last, debating the issue of welfare reform. This debate is simultaneously timely and long overdue. It is timely because so much attention has been focused on this issue for the last several months, and, in fact, for many months prior to the start of the 104th Congress. Members and staff have spent a vast number of hours reviewing concepts in welfare reform and developing legislation to meet our goals. Their work has lead to many well thought out proposals which are only now ready for full and vigorous debate on the Senate floor. It is overdue, however, because we have known for years that the welfare system in this country was flawed, and yet the status quo was maintained. We must act now to make the necessary changes, because we dare not look back on this time and tell our children we failed to take action when we had the opportunity.

As I was preparing for this debate, I became curious about the history of the word welfare. Upon looking it up, I was interested to note it comes from the Old English phrase ''wel faran,'' which means, quite simply to go, or to fare, well. While it sounds like the word has changed little from its earlier days, in reality the difference between the Old English phrase and the modern word is dramatic. Most notably, under our current public assistance programs, Mr. President, no one is faring well.

In our society, three groups of people are more directly impacted by welfare than any others—the beneficiaries, the tax payers, and the case workers. Obviously, the beneficiaries themselves are the most immediately affected by our current system. And what has this system done for them? Generations have grown up without knowing the satisfaction of work and personal improvement. The value of family has been ignored, aiding the increasing rate of illegitimacy. And possibly worst of all, children have been raised without hope in a system that does more to perpetuate poverty than to break the welfare cycle. Obviously, some people have been able to get ahead and get off welfare. But for far too many, the system offers no incentives and no promise of a better future. Can anyone argue that these are positive results? I firmly believe we should avoid the attitude that this Nation owes people something simply because they reside inside our borders. But I do believe we owe those in need the chance to reach above their situations—a chance which the current system denies.

The taxpayers certainly should not be ignored in this debate. What the taxpayers of Idaho have been telling me is that they want to help those who truly are in need, but simply giving money away is not an answer. They also do not want a system which is open to fraud and abuse. Earlier this year, one of my constituents, Linda Murray–Donahue of Boise, cited a particularly glaring example of how the system was being abused. More significant than the example she sent were her comments. After noting her own difficulties in trying to raise two children after being laid off, she stated,

I am disturbed at the prospect of continuing to struggle for my boys and continue to make them sacrifice so that [welfare abusers] do not have to take responsibility for their own lives. . . I and others do not begrudge the truly needy. However, the [welfare abusers] need to be put on notice that we are demanding changes in their welfare way of life.

I believe this is an accurate representation of an attitude found throughout the Nation. People are not looking at welfare reform as a way to attack the unfortunate. Instead, they simply want to ensure that the truly needy are helped while those who can provide for themselves do so. In the process, they also want to know that their tax dollars are being used wisely and efficiently.

In between the taxpayer and the beneficiary are the case workers and social workers. They too are frustrated by a system which they see thwarting their efforts to truly help people. While they work diligently to move families into work and a lifestyle of self-sufficiency, too many of their efforts are focused on verifying eligibility. Even when they are able to help someone begin the transition from welfare to work, all too often they are stymied by a system which discourages people from trying to break the cycle of poverty. We owe it to the dedicated case workers and social workers to let them work under a system which will help, rather than hinder, as they try to give welfare recipients a chance to improve their situations.

In this regard, Idaho has already taken an active approach to welfare reform. Earlier this year, several members of the Department of Social Work at Boise State University released a report entitled, ''Family Self Sufficiency: Welfare Reform in Idaho.'' I think many of the points which were made in that report are important to share with my colleagues. With regard to the state of affairs today, the report is clear, ''The current strategy of alleviating poverty through unconditional grants-in-aid has failed because it fosters dependency, weakens self-reliance, lowers attachment to work, and excludes the poor from the participation in the labor market.'' The report sums up the major problem with our welfare programs quite simply, ''[T]he system does not equip recipients with the means to leave poverty.''

The introduction to that report, I believe, quite accurately describes the situation we now face, and the direction in which it may be best addressed. I would like to quote that portion of the report.

Welfare should be a ''hand up'' and not a ''hand out.'' Programs that do not stress self sufficiency erode the work ethic. Policies that reduce the incentives for the maintenance of families break them up. Programs that do not encourage participation in the economy through training and education go against the fabric of America's belief system. At the same time, punitive programs diminish hope, hurt children, and foster long term poverty.

Welfare is not a right or an entitlement, it is an investment. The traditional generosity of the American people toward the poor and those who find themselves in difficult situations is sorely tested when welfare programs make no progress in either lifting clients out

of poverty or of reinforcing self-reliance. The benefits the public accords the poor, the destitute, the homeless, and the sick grow out of a democratic commitment to social justice, equal opportunity, and a belief that we as Americans are in this together.

Any welfare reform effort we undertake must reinforce these principles. Welfare is an investment in people that ideally benefits the recipient and society. In exchange for benefits, able-bodied clients must take steps in partnership with the state to lift themselves to self-support. And despite myths to the contrary, the poor do work hard and welfare recipients want to find jobs.

In Idaho, Governor Batt has already begun to move ahead with efforts to address exactly the kind of reforms mentioned in the report I just mentioned. He has assembled a welfare reform advisory council—composed of legislators, community leaders, private citizens, and other key decision-makers. In the Executive Order which established the advisory council, Governor Batt noted,

''the current welfare system fails to foster fundamental values relating to work, family, personal responsibility, and self-sufficiency.'' The order went on to state, ''the current welfare system isolates recipients from the economic and social mainstream and maintains families at below poverty levels with only limited support or incentives to become independent of welfare assistance. . . [it] focuses on writing checks and verifying circumstances rather than helping people move rapidly to work.''

The Governor's advisory council has now met with Idahoans throughout the state to hear the people's thoughts on welfare reform. In addition, it has solicited further public comment in newspaper advertisements all across Idaho. This information will be used to develop a welfare reform plan which is specific to Idaho's needs. Mr. President, the State of Idaho is prepared to take on the challenge of welfare reform, and has demonstrated the willingness to address the difficult issues which this endeavor encompasses. We should give them that opportunity.

Idaho has specific concerns which it wants to address, concerns which in many cases are the same as those we have been discussing on a national level over the last few months. While these issues may be similar across the country, ideas for dealing with them are not. That is why we must let go of Federal control. As long as we continue the Federal strings, states will not have the needed flexibility to truly address their needs. They also will not have the flexibility to try innovative proposals which could serve as examples to other states about what approaches will lead to a truly productive welfare system.

Mr. President, in my very first speech here on the floor of the U.S. Senate, I spoke about the need for States to be given the opportunity to develop their own solutions to specific problems. At the time, I said, ''I believe that we need to encourage innovation. The lessons we will learn from these different States, as they undertake these significant approaches, will be invaluable to us, both in learning what does work, and also in learning what does not work. . . We need to support those States that are willing to actively seek solutions.'' While that speech was in reference to Oregon's request for a Medicaid waiver, I believe it is just as applicable today. True reforms will come from the States, and we must give them the opportunity to prove they are up to the task of changing, for the better, our current system of welfare.

The bill we are currently considering takes tremendous strides toward achieving our goals. First and foremost, it ''block grants'' many Federal welfare programs—including Aid to Families with Dependent Children, job training programs and child care programs. It also provides states with the option to accept Food Stamp funds as a block grant. This is the basis of real reform. Turning these programs over to the States will provide people with the chance to shape poverty-assistance programs to meet local needs. As a former mayor, and as the author of the Unfunded Mandates Reform Act, S. 1, which was signed into law earlier this year, I understand the frustrations and hassles which accompany Federal requirements. By eliminating these mandates, we allow State and local officials to use their own creativity and their intimate knowledge of the people's needs to address their problems. And we do not make them go through a series of bureaucratic hoops in order to get a waiver to do so.

Some have claimed the States cannot handle this responsibility. They claim State and local officials will, without strict Federal oversight, eliminate poverty assistance and turn their backs on the poor and needy. Mr. President, I do not understand how anyone could truly believe that argument. Do the naysayers really believe that State and local officials are cold, heartless individuals who would gleefully deny food to the hungry and let children suffer? Do they also believe that upon being elected to the Congress we all undergo some miraculous transformation which makes every member of this body more compassionate and knowledgeable than our State and local counterparts? The mere idea is ridiculous. Local and State officials are the ones who are in the best position to see what their programs do to people. They are the ones whose friends and neighbors are directly impacted as a result of their actions. And if they make a mistake, if they do something the people do not like, they are more directly and immediately responsible for that decision than anyone here in Washington. That, I would say to my colleagues, is a better guarantee that local needs will be met than any number of Federal rules, requirements or regulations.

In contrast, the bill presented by the Democrat leadership, which was rejected by this body, would have continued that vaunted tradition of ''Washington knows best.'' It would not have offered flexibility to the States, thus preventing innovation and creativity at the State and local level. It would have continued the entitlement status of welfare programs, preventing the States from requiring anything in return for welfare dollars. It would have kept the Federal bureaucracy firmly entrenched in the welfare system, a system which, under Federal control, has failed those it is alleged to serve. Finally, the bill would have allowed numerous exemptions to the so-called work requirements, in effect nullifying the requirements and making it easier to maintain the status quo.

Mr. President, I believe the welfare reform debate is about one word—freedom. It is the freedom of State and local governments to decide how best to provide assistance to the needy. It is the freedom of the various levels of government to create innovative ways to meet the unique needs of the downtrodden in their city, county or State. It is the freedom to follow local customs and values rather than Federal mandates. I have said for some time that when the Government tries to establish a one-size-fits-all, cookie cutter approach to address a perceived need, it ignores the unique circumstances which are so important in developing the best way to address that need. The legislation presented by the Republican leadership recognizes this fact.

The difficulties associated with the Federal approach to problem solving are especially evident in rural States, like my home state of Idaho. The kind of help which people in rural communities may need differs dramatically from the kind of assistance an individual in New York, or Miami, or Los Angeles may need. In order to address those needs, States must have flexibility. A program which is designed to help families who live in our major metropolitan areas, quite simply, will not work in Wallace, Idaho—a community with less than 2,000 people. It may not even work in Boise, which is Idaho's largest city. The reverse is also true. A program which is capable of helping folks in a State like Idaho—which has a population density of just over 12 people per square mile—is likely to have little relevance in Detroit or Boston. Mr. President, I do not want anyone in this country who is struggling to make something of themselves, whether they are from Idaho, or Minnesota, or Arizona, or North Carolina, to be hampered in their efforts because of rules and regulations which ignore the fact that this Nation is not uniform—that people in all areas of the country have unique circumstances which simply cannot be addressed in one prescriptive Federal package.

Mr. President, I stated earlier that welfare reform is about freedom for the States. More importantly, it is about freedom for the people. For too long now we have witnessed a vicious cycle of poverty in this Nation which, once entered, is nearly impossible to escape. We have a system of welfare which does

not focus on getting and keeping people off the Federal rolls, but instead appears to be based on the belief that once one has become a part of the system, they will never again desire to become self-sufficient. I do not believe this is true. I believe most welfare recipients, if given the opportunity, would gladly find a way to end their dependence on the Government. It is with these people in mind that we must complete our work on welfare reform legislation, so we may give current and future welfare recipeients the freedom to break out of poverty.

Mr. President, I have listened to many of my colleagues share their thoughts on the legislation we are now considering. As could be expected, the bill does not have unanimous support. Some think it has too many strings on the block grants, other say not enough. Some believe even more programs should be block granted. Regardless of whether or not any particular amendments were added to the bill, however, I ask my colleagues to keep in mind the long-term implications of what we are trying to do. I would ask them to ask themselves one simple question, ''Does this bill get us closer to our goals then we would be if we did nothing?'' If the answer is yes, and I believe it is, I would urge them to support the leadership package. In doing this, we can finally break the cycle of poverty which has gripped too many Americans, and help them get back on their feet. And in so doing, we will help all Americans.

In closing, in considering welfare reform I think we would be wise to heed the words of one of this nation's greatest leaders, President Abraham Lincoln. It was Lincoln who once said,

> The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, at all, or can not, so well do, for themselves—in their separate, and individual capacities. In all that the people can individually do as well for themselves, government ought not interfere.

Mr. President, I believe this applies equally well to the relationship between the States and the Federal Government. The Federal Government should not attempt to do for the States what the States are capable of doing for themselves and for their residents. We have tried to do so for the last 30 years, and we have not succeeded. It is time we let the States decide how to meet the needs of the less fortunate, using State and local solutions. If we do this, we grant the States a level of freedom they have not had in years, and we move one step closer toward giving welfare recipients hope that they too may soon be free of a system which has perpetuated poverty and social decline. And freedom, I would say to my colleagues, is what this Government is supposed to be about.

I thank the chair and the managers of the bill for their courtesy, and I yield the floor.

THE CHILD ABUSE PREVENTION AND TREATMENT ACT AMENDMENTS OF 1995

Mr. COATS. Mr. President, child abuse is a critical issue facing our Nation. Each year, close to one million children are abused or neglected and, as a result, in need of assistance and out of home care. CAPTA is a small but vital link in the provision of these services.

S. 919, which has been included in the Dole welfare reform bill, streamlines CAPTA's State plan and reporting requirements; eliminates unnecessary research and technical assistance activities; and encourages local innovation through a restructured demonstration program.

Additionally, we have consolidated the Child Abuse Community Based Prevention Grants, Family Resource Centers, Family Support Centers into the Community-Based Family Resource and Support Grants.

Finally, S. 919 repeals the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act, title VII (F) of the McKinney Homeless Assistance Act, and the Emergency Child Abuse Prevention Grants.

Mr. President, each day, hundreds of children and families come into contact with, and are affected by, our Nation's child protective system. For many, it is a frightening experience. For others—for those on the front lines, it is sometimes an opportunity to rescue children from horrific circumstances.

Unfortunately, the issues facing this overburdened system are seldom easily resolved. Too often—overworked, underpaid, untrained, and sometimes overzealous caseworkers have a tremendous and devastating impact on families.

Decisions are routinely made to remove children and place them in foster care—into situations that are sometimes far worse than from where they came. Other times, because of mounting paperwork and case files, a serious case goes uninvestigated—or a decision to return a child to an unsafe home is made because there are no more out-of-home placements available. These are all difficult circumstances that require balance, training, and resources.

Since 1974, CAPTA, though a relatively small program, has assisted States in meeting child protection needs. It is a small, but powerful program, because its mandates have radically changed how we view child protection.

Unfortunately, not all of these changes have been helpful. CAPTA has, until now, been viewed as a very prescriptive program, with States judged, not on how well they protect children, but how close they come to mirroring some Federal definition or example of how things ought to be.

The 1995 CAPTA amendments are an important first step aimed at redressing some of the problems in CAPTA while, at the same time, building upon its strengths. Most experts agree that what CAPTA can do and do best is provide guidance to States; assist States with training and technical assistance; and promote better research and dissemination of information while allowing for maximum flexibility in approach and response.

S. 919, as unanimously reported out by the Labor Committee and included in the Dole bill, builds on those strengths. Specifically, this legislation:

Eliminates unnecessary bureaucracy by repealing mandates for a National Center on Child Abuse and Neglect, the U.S. Advisory Board, and the Interagency Task Force on Child Abuse. Instead, the Secretary may use her discretion in deciding whether or not they are an essential function;

Restructures and consolidates various research functions into one coordinated effort;

Places a significant emphasis on local experimentation by expanding Demonstration Grants to encourage local innovation and experimentation. One of these grants would be available for a triage system approach which Labor Committee members heard very exciting reports about during a subcommittee hearing. Others include training for mandatory reporters, families, service providers, and communities;

And reforms the Basic State Grants by allowing greater flexibility to the States in determining the circumstances and intensity of intervention that is required, while encouraging them to look to other preventative services that can be provided to families, when intensive intervention is not called for.

Determining the appropriate level of intervention is a very important consideration. We have studied closely the numbers of abuse and neglect reports that have been filed. Of the close to 3 million reports that have been filed, only one-third are eventually substantiated. This means that over 2 million are either unsubstantiated or even false. And while I know that these numbers and how they are interpreted are the source of some disagreement, the fact remains that for whatever reason, over 2 million investigations at some level, are occurring, and possibly resulting in inappropriate interventions—including removal of the child from the home.

Members of the Labor Committee may recall the testimony of Jim Wade who spoke of his 3-year ordeal, in which his daughter was wrongfully removed from his home. I have received many such reports and complaints, and while we should be mindful not to legislate by anecdote, these stories involve real people and are chilling.

With the State grant, we have worked to find ways to improve reporting so that caseworkers are able to assess and effectively respond to cases of abuse and neglect with an appropriate response.

We have also ensured that persons who maliciously file reports of abuse or

neglect will no longer be protected by CAPTA's immunity for reporting. Only good-faith reports will be protected.

Finally, we have clarified the definition of child abuse or neglect to provide additional guidance and assistance to States as they endeavor to protect children from abuse and neglect.

Let me briefly mention the other programs authorized in the 1995 CAPTA amendments: the new Community-Based Family Resource and Support Grants represent the result of nearly a full year's effort to consolidate the Community Based Prevention Grant, Respite Care Program, and Family Resource Programs; the Family Violence Prevention and Services Act which provides assistance to States primarily for shelters; the Adoption Opportunities Act which supports aggressive efforts to strengthen the capacity of States to find permanent homes for children with special needs; the Abandoned Infants Assistance Act which provides for the needs of children who are abandoned, especially those with AIDS; the Children's Justice Act; the Missing Children's Assistance Act and section 214 of the Victims of Child Abuse Act.

Mr. President, I would like to thank the members for their attention. These are important programs and they will affect many children and families. I urge the adoption of the 1995 CAPTA amendments.

STUDENT AID

Mr. MACK. Mr. President, with regard to title V of H.R. 4, the Work Opportunity Act, I am interested in clarifying an issue regarding the applicability of the term ''assistance * * * for which eligibility is based on need'' to various student loan programs. As I understand this legislation, eligibility for needs-based public assistance will either be subject to a deeming period or will be forbidden for a period of five years for most non-citizens. At this time, there seems to be an erroneous public perception that all student financial aid programs will be subject to these provisions. This is not the case. In the interests of responsible legislating, I think it is important to clarify that unsubsidized student loans are not needs-based and should therefore not be subject to the requirements of title V.

Mr. SIMPSON. Mr. President, Senator MACK is correct. Although the term ''assistance * * * for which eligibility is based on need'' in title V of H.R. 4 would apply to most forms of student financial aid, the unsubsidized student loan program is indeed a financial aid program which is not based upon need. Therefore, this particular program would not be subject to the deeming period or 5-year ban established in title V of this bill.

Mr. DOLE. Mr. President, I would like to offer my support of the comments made by Senators MACK and SIMPSON on this issue.

CHILDREN'S SSI

Mr. CONRAD. Mr. President, I have a series of clarifications concerning the children's SSI program that I would like to discuss with the majority leader.

But first, let me express my appreciation to Senator DOLE for his leadership in helping us reach a compromise on this issue. The SSI agreement is not everything I had hoped to achieve when Senator CHAFEE and I introduced the Children's SSI Eligibility Reform Act, but it is clearly an improvement over the House bill.

In addition, I believe the agreement includes a number of extremely important provisions to both address criticisms that have been leveled against the Children's SSI program and protect children with severe disabilities. I am extremely pleased we were able to reach a bipartisan compromise on this issue, and thank Senator DOLE, Senator SANTORUM, Senator DASCHLE, Senator CHAFEE, Senator SIMPSON, Senator JEFFORDS, and others who were so deeply involved.

Mr. President, I would like to clarify for the RECORD the intent surrounding several of the provisions in the amendment. First, the amendment deletes the word ''pervasive'' from the definition of child disability that was included in the welfare reform bill reported in May by the Finance Committee. This is an important change, and one that I fully support. Would the majority leader clarify his understanding of the intent of this change?

Mr. DOLE. I want to thank the Senator from North Dakota for his leadership and hard work on this issue. Children with disabilities are certainly among those most at risk in our society, and we want to make sure we are doing the right thing by them. He and Senator CHAFEE have worked extremely hard to bring the Senate to this point.

As for the Senator's question, I understand that the Senator from North Dakota was concerned that the term ''pervasive'' included in the earlier definition implied some degree of impairment in almost all areas of a child's functioning or body systems. That was not the intent of the earlier proposed change to the statute. It is expected that the children's SSI program will serve children with severe disabilities. Sometimes children will have multiple impairments; sometimes they will not.

Mr. CONRAD. I also understand that the amendment is designed to facilitate expert analysis of the SSI program for children by the National Academy of Science, to ensure that program changes, including determination of disability, are based on the best possible science.

Mr. DOLE. Yes, I think we can all agree that the children's SSI needs a tune up. The provision for a study by the National Academy of Sciences of the disability determination procedures used by the Social Security Administration will help accomplish this goal, and help us obtain a realistic picture of how an impairment affects each child's abilities.

No doubt about it, the children's SSI program is extremely important for some children with disabilities. But as the Senator from North Dakota made mention, there have been widespread allegations that some children on SSI are not truly disabled, or money is spent in ways that do not benefit the child. I hope this study—in addition to the changes we have made in the law—will help restore confidence in this program.

Again, it is my expectation that this program will continue to serve children with severe disabilities, and that includes properly evaluating children too young to test, children with multiple impairments, and children with rare or unlisted impairments which nevertheless result in marked and severe functional limitations.

Mr. CONRAD. Is it expected that the Social Security Administration and the Congress will rely heavily on the expert advice of the National Academy of Science when engaging in future regulatory activity and deliberations regarding impairments of children in the SSI program?

Mr. DOLE. Yes. But I also hope we hear from many others as well with good information to offer, including other experts, parents, and advocates.

Mr. CHAFEE. If I might also ask the majority leader a question. The leadership amendment and the Finance Committee proposal are both silent about the purpose of children's SSI. However, unlike the House proposal, both retain the cash benefit nature of the program. This is a concept that Senator CONRAD and I thought was extremely important when we introduced the Childhood SSI Eligibility Reform Act, and I am pleased that the majority leader's proposal retains flexibility within the SSI program by retaining the cash nature of the program. It is important for the SSI program to reflect the impact a disability has on families faced with a variety of circumstances. SSI often provides important assistance to families by replacing a portion of the income that is lost when a parent must care for a disabled child. The flexible nature of SSI is indispensable for many parents who are rendered unable to work because they must stay at home to provide care and supervision to their children with disabilities. Does the majority leader share our assessment?

Mr. DOLE. No doubt about it, for some families with a severely disabled child, SSI can be a lifesaver. It allows them to care for their child at home—who might otherwise be institutionalized at much greater cost to the government—or obtain services they could not otherwise afford. If a small payment can help a disabled child stay with his family, or grow into a productive adult, it is better for the child and better for society. SSI benefits provide the greatest flexibility, and the least amount of bureaucratic redtape.

But I think there may be some difference of opinion about the purpose of the program. The SSI program was originally started to provide a small cash income to individuals who cannot work because of age or disability. But the children's SSI program had a somewhat different purpose—to help poor families with the extra costs of having a child with a disability. It seems the program has expanded without much Congressional attention. In my view, we need to revisit the purpose of the SSI program. The Finance Committee has not tackled this problem yet, but it should and I believe it will. But the Senate decision to retain the cash benefit is clearly an important difference from the House.

Mr. CONRAD. I would like to join in the comments of both of my colleagues regarding the cash benefit nature of the SSI program. This provision is critically important, and I commend the Majority Leader for including it in the amendment. If I might address one additional question to the majority leader, it is the intent of this Senator and other supporters of this amendment on both sides of the aisle that this amendment is the position of the Senate, and that it will be vigorously defended in conference with the House of Representatives. Will the majority leader insist on this provision during conference with the House?

Mr. DOLE. This is a bipartisan compromise with broad support, and in my view it should be a position to which the Senate should firmly hold in conference.

Mr. CONRAD. Base on these assurances, I am pleased to support the compromise we have developed on children's SSI. This is not everything I had hoped to achieve, but it is critically important that the Senate enter conference with a solid, unified position.

Mr. WARNER. Mr. President, I am pleased to rise as one of the original cosponsors of the Republican leadership welfare reform bill.

We have entered this historic debate because the 30-year War on Poverty remains a war, but the nation is losing. According to recent analysis, aggregate government spending on welfare programs over the last 30 years has surpassed $5.4 trillion, an expenditure that exceeds our national debt.

Despite this spending, America's national poverty rate remains at about the same level as 1965, the year that President Johnson launched the War on Poverty.

Despite the best of intentions, we have a welfare system that ''traps'' children and families in a cycle of dependency, and that encourages behavior leading to indefinite reliance on welfare. It fosters a lifestyle that is in direct opposition to the motivators that propel others to get up and go to work every day.

The Republican leadership's bill emphasizes work, families and genuine hope for the future while giving the States greater responsibility—and flexibility—for managing welfare.

This measure has been a long time coming, and I do not just mean this summer. Our distinguished colleague from Colorado, Senator HANK BROWN, did an outstanding job in 1993 and 1994 as chairman of the Republican Welfare Reform Task Force. Health Care Reform diverted the Senate, but it did not diminish the value of their work. Much of what we are considering today is built directly on the strong foundation of Senator BROWN's early proposals.

I also think back to the 1986 State of the Union Address of President Ronald Reagan. That year he proposed Welfare Reform. This was another step. The Reagan welfare reform plan, the Family Security Act of 1988, was guided to enactment by the fine hand of the then Finance Committee Chairman, Senator MOYNIHAN of New York, who is now serving with such distinction as the co-manager of this bill.

The Family Security Act of 1988 served as a laboratory for S. 1120. In 1988, we first dealt with the issues of workfare versus. welfare, the dilemmas of teen pregnancy and illegitimacy, the high costs of work requirements, and the need for broad federal waiver authority. It is the State and local levels of government which administer the American welfare system, not the Department of Health and Human Services.

I am proud that under the waiver authority established by the Family Security Act, the Commonwealth of Virginia has been in the vanguard of welfare reform initiatives.

While we are struggling to come together in the Senate to pass S. 1120, my State has already enacted and is now implementing what we call the Virginia Independence Program or ''VIP'' for short.

VIP is the visionary welfare reform program brought to the people of Virginia under the outstanding leadership of Gov. George Allen. It was no easy task to battle a sometimes hostile state legislature, dominated by the other political party, as well as the mountain of redtape required in securing the necessary Federal waivers. He succeeded splendidly, however, in achieving his goals, and now Virginia is in the careful, watchful, early stages of actual reform.

Governor Allen, with his great courtesy, personally journeyed to Washington on September 13 to deliver a thoughtful and, in my judgment, immensely helpful letter on what he believes the Senate should accomplish in welfare reform.

Mr. President, I ask unanimous consent that my letter from Governor Allen be printed in the RECORD at this point for the benefit of all of my colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
September 13, 1995.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR JOHN, As the United States Senate continues to debate welfare reform this week, I believe that our experiences in the Commonwealth of Virginia can be instructive.

I hope you will consider Virginia's plan to be a model for the nation. The comprehensive Virginia plan is based upon the principles of the work ethnic and personal responsibility. Our experiences support the need for an overall block grant approach, that will give States the flexibility to appropriately design programs that address the individual needs of the citizens of their State, return AFDC to a program of temporary assistance for those in need, and require work for all able-bodied recipients.

I understand that there will be attempts to amend S. 1120 by attaching new chains on the block grants to the States. As a staunch proponent of federalism and self-determination, I oppose such choke chains, *whether they are ''conservative'' or ''liberal'' ones,* and respectfully encourage and request that you to do likewise for Virginians.

Experience shows that the States are perfectly capable of taking this responsibility and exercising it wisely for our citizens. Virginia's landmark welfare reform legislation is a prime example. Our plan applies to the entire AFDC caseload, with a work requirement for 48,000 of our 74,000 cases. It incorporates common-sense principles into the welfare system by rewarding responsible behavior and providing compassionate, but temporary, assistance for those in need.

In addition to providing opportunity and support to recipients, the program is expected to save the taxpayers more than $130 million over the first five years. Already, we have had a significant drop in our caseload. Restrictive maintenance-of-effort requirements rob States of the ability to share in these savings and the incentives to achieve them. They should be opposed.

As you know, Virginia received a waiver to begin implementing this landmark welfare reform plan on July 1 of this year. You also should be aware that, before this waiver was granted, we spent the better part of two months fending off efforts by the Clinton Administration to completely rewrite our plan. The administration proposed literally hundreds of changes or conditions in the waiver process. Many of them involved very fundamental things; if agreed to, they would have raised the cost of the program significantly and changed essential provisions.

We had a tough fight in our state legislature—with a final bill clearing the General Assembly only in the last hour of the 1995 legislative session. At issue were questions such as whether we would have a real work requirement and a real time limit; whether there would be a child cap and strong requirements for paternity establishment; and whether we would require minor recipients to stay in school and live at home with a parent or guardian.

This spirited debate was expected, given the fundamental nature of the changes and reforms we were proposing. We did not expect, however—after the legislative process was completed at the state level and we had decided what state law and state policy were going to be—that we would have to turn around and refight all those battles with the federal bureaucracy through the waiver process. A good example was the time limit. We went to the wall with HHS over the issue of whether we in Virginia would be able to define the circumstances that would allow

someone a hardship exemption from the time limit. That is, of course, a very fundamental issue.

This ordeal leaves me firmly convinced that the whole concept of waivers inherently flawed. The waiver process by definition invites prescriptive micromanagement and nitpicking from federal bureaucrats in Washington. What States need in order to accomplish this fundamental transformation of welfare is not new waiver guidelines, as the President has suggested, but elimination of the need for waivers in the first place through a genuine block grant, with flexibility guaranteed by statute.

There are other areas in which the Congress could learn from the experience of States like Virginia. We have implemented a child cap here that places responsibility for additional children upon those who should bear the responsibility—the parents. Our program places a cap on benefits for additional children in an AFDC family, but guarantees that 100% of support funds collected from the father will be turned over to the family. This will encourage responsibility, paternity establishment, and child support.

In Virginia, we recognize the important relationship between economic development and welfare reform. We cannot continue to prepare AFDC recipients simply for welfare jobs. Instead, we must train them to compete for existing jobs in our expanding economy. After passage of our welfare initiative, we turned our attention to workforce development. In order to reform the welfare system effectively, we are in the process of restructuring our job-training programs so that they help match workforce training and skills with the needs of our private sector in our local communities. I would encourage you to ensure that workforce development consolidation is included in the overall welfare reform bill, as the two are essential to a State's success.

What the debate really boils down to is who does the U.S. Senate trust to make these policy decisions—the federal bureaucracy or the elected representatives of the people at the State level. This is a basic philosophical question. The choices you make will determine whether the bold innovations that are occurring in Virginia and other States can move forward, or whether federal bureaucrats will continue to micromanage and second guess the decisions of the people of the States and their duly elected representatives. I respectfully urge you to place your trust in the States, which are leading the way.

Thank you for all your solid leadership for our cause in many ways and congratulations on your selection as Chairman of the Rules Committee.

With warm regards, I remain,

Sincerely,

GEORGE ALLEN.

Mr. WARNER. As you will note, the Governor fully supports the block grant process with as few Federal strings as possible. He desires neither conservative nor liberal mandates. In the spirit of true federalism, he is confident that the people of Virginia are fully able to design and administer our own welfare reform programs.

Here are a few parallels between what we are seeking to do in S. 1120 and what the Commonwealth of Virginia has already set into motion.

We are seeking to block grant the entire Aid to Families With Dependent Children [AFDC] Program and have half the eligible population participating in work requirements by the year 2002. Virginia, on the other hand, will implement AFDC reform in 4 years for our entire 74,000 caseload.

While we have debated the duration of welfare payments and whether or not to guarantee transitional benefits such as child care, Virginia has passed a 2 year time period for welfare recipients, during which intensive work experience, education and training will be provided. To facilitate the transition from welfare to work, medical care, child day care, and transportation assistance will be provided. We did not need someone in Washington dictating what we already knew. Young welfare parents have to be freed from domestic burdens if they are to truly benefit from workfare participation.

And, we promote and strengthen two parent families by assuring that both are eligible for benefits, that paternity is acknowledged, and that child support is more strictly enforced. Minor custodial parents are asked to live with their own parents or legal guardians, as long as the home is not abusive, and they must comply with compulsory school attendance laws.

These and other commonsense reforms are all on the way in Virginia. We welcome and encourage other States to watch closely what we do and to lend us the benefit of your own experiences and expertise in reformulating the welfare equation.

Mr. President, in closing, I would like to commend the Senate majority leader, Senator DOLE, and his key staff members, Sheila Burke and Nelson Rockefeller. This has been a collective effort, requiring accommodation of broad and diverse views, and it could not have been done without the good efforts and offices of the Senate majority leader. They have fine tuned the art of compromise while maintaining a strong and underriding traditional Republican philosophy.

In all seriousness, a brighter and more hopeful day for many disadvantaged Americans is almost within our reach. At the end of this day, let us not disappoint those who are looking to us now for an opportunity to join in the American success story.

Mr. MCCONNELL. Mr. President, since last week, the full Senate has debated the arduous task of reforming a welfare system that has failed in its mission to eliminate poverty in America. Throughout our history, Americans have held to the belief that hard work and investment are the staples for family security and economic success. Yet, our Nation's welfare system has turned away from these basic principles. Working Americans complain that the welfare system promotes dependence and waste, while many welfare recipients struggle for the chance to work their way off the rolls.

Since 1965, America has infused $5.4 trillion into a public assistance network composed of almost 80 State and Federal programs. At best, the War on Poverty has produced temporary gains for poor families. While the national poverty rate dropped from a high of 22 percent in 1959 to an historic low of 11 percent in 1973, the poverty rate had risen to 15 percent by 1993. Most tragically, our welfare system has failed to assist our Nation's most vulnerable families. From 1969 to 1993, the child poverty rate declined by less than 1 percent of families headed by single mothers.

America's welfare system has lost its focus. In the 1930's, the Roosevelt Administration created the Aid to Families with Dependent Children Program to help widows, orphans, and families suffering from abandonment or unemployment through difficult financial times. Today, those in need must navigate an array of conflicting bureaucratic rules and program divisions that discourage work, and many times, family unity. Instead of liberating Americans from financial crisis, today's AFDC system fosters a detrimental cycle of generational welfare reliance.

Few dispute that welfare reform is necessary. Without change, single-parent families will continue to suffer from poverty, and the escalating cost of the status-quo will overwhelm our Nation's financial resources. Democrats and Republicans alike are focused on similar goals—State flexibility and the end of unconditional assistance. But how can these goals be attained? The answer is real, commonsense reform.

First, we must fundamentally restructure the way our welfare system works. Our patchwork system of Federal and State welfare programs has produced a complex and inconsistent means for distributing benefits. In increasing numbers, States are requesting Federal waivers to restructure federally defined welfare programs so they can effectively deliver the services their citizens need. President Clinton recently promised the Nation's Governors a waiting period of only 120 days for the processing of their waiver requests. However, states need more than a fast-track system for bureaucratic review. They need real flexibility—the authority to develop public assistance programs that promote work, rather than automatic check writing.

Americans are increasingly concerned that an unconditional entitlement to welfare is displacing the desire for independence with the expectation of permanent dependence. To successfully reduce poverty, welfare must focus on employment, not exemptions to work. Over the years, we have tried a variety of complex, federally dominated work programs. Efforts to attain sustainable employment for AFDC recipients have become little more than a paper chase under the current Job Opportunities and Basic Skills [JOBS] Program. Despite good intentions, the JOBS Program has failed and must be repealed. To effectively respond to the day-to-day reality of the job market, States should be empowered with the authority to develop and adjust their

work programs according to recipient need and local job resources.

Welfare recipients also should know that public assistance is not free money but an investment in their work potential. Welfare must be contingent on real work. While appropriate job training is important, we must not lose sight of the fact that classroom lessons mean nothing unless one can actually apply them to the workplace. Real work also means real responsibility. Those who refuse to work without sound cause should see their actions directly reflected in their welfare benefit. Just like every other American employee, an hour's work should equal an hour's pay. In addition, a 5-year lifetime limit focuses recipients on welfare's fundamental purpose—support for the attainment of self-sufficiency.

Second, reform should focus on abolishing abuse. I don't know of one taxpayer that wants Food Stamps used for the purchase of drugs or alcohol. I know that many of my colleagues on both sides of the aisle share my concern with fraud in our Nation's largest welfare program. I have dedicated considerable effort to legislative proposals that would curtail waste, fraud, and abuse in the Food Stamp Program. The welfare reform bill before us meets this challenge and helps ensure that food stamps are used for their intended purpose: to help needy Americans buy food to supplement their diet.

I am also pleased to see that this bill retains child nutrition programs at the Federal level while successfully reducing excessive Federal regulation. These programs work and have successfully ensured the health and nutritional well-being of future generations of children.

Third, it is essential that welfare reform uphold a standard of responsibility to our Nation's children and families. Illegitimacy in America is becoming the rule rather than the exception. The facts are alarming. Today, 1 in 3 children are born out-of-wedlock—by the turn of the century, this figure will be 1 in 2. Most disturbing of all is the drastic increase in out-of-wedlock births among our youth. In 1960, 15 percent of births to women under the age of 20 were out-of-wedlock. By 1992, this figure had increased to 71 percent.

Today, the specter of poverty haunts single mothers and their children like never before. From 1976 to 1992, the proportion of single, never-married women receiving AFDC more than doubled, from 21 percent to almost 52 percent. Yet welfare assistance has failed to shepherd these needy families to a better future. The Congressional Budget Office found that single women receiving AFDC in 1992 were poorer than in 1976, even though they worked in about the same proportions.

The increasing number of single mother families living in poverty is fueled by the ease with which absent fathers ignore their parental responsibilities. To reverse this devastating trend, we must take seriously the necessity of paternity identification. Fatherhood is not a one-time-only event—it is a lifelong responsibility and should be treated as such.

Paternity identification is an essential step toward the improved collection of child support. In Kentucky, efforts in paternity identification have head a substantial impact upon the collection of child support for AFDC dependent families. In fiscal year 1994, 7 counties ranked in the top 10 for both paternity identification and child support collection.

Without a doubt, dead-beat dads must be held accountable for their child support obligations. In 1991, fathers owed $17.7 billion in child support payments. Only 67 percent, however, was paid—a shortfall of $5.8 billion. If a father refuses to support his child, States have the right to make his parental responsibility crystal-clear by suspending his driver's or professional license.

Mr. President, real reform means transforming welfare from a dead-end street to a bridge toward self-sufficiency and family security. Last year in Owensboro, KY, three mothers shared with me their personal experiences in the welfare system. They were deeply concerned about the future—how they would care for the health and well-being of their children as they tried to work their way off welfare. As they spoke, it was clear that their success depended on their tenacity to break free from the confines of a welfare system that promises much but delivers little. It is for them and each of our Nation's 5 million AFDC families that we must reject the status-quo of an empty entitlement system and return our welfare system to the basics of fairness, work, and family security.

THE MAINTENANCE OF EFFORT AMENDMENT

Mr. CHAFEE. Mr. President, Senator GRAHAM asked a question yesterday during consideration of my amendment on maintenance of effort which I am not sure I fully understood, and I wonder if he could ask the question again.

Mr. GRAHAM. Thank you, Mr. President. The question is does the Chafee modification to the maintenance of effort mean that a State would have to continue to maintain its effort at 80 percent if the Federal share is reduced.

Mr. CHAFEE. I thank the Senator from Florida for clarifying the issue. The answer is no, if the Federal share is reduced for whatever reason, the State maintenance of effort would also be reduced. This is the hold-harmless provision that was included in both my amendment and the amendment offered by the Senator from Louisiana, Senator BREAUX.

Mr. GRAHAM. I thank the Senator from Rhode Island for clarifying this issue for me.

Mr. PRESSLER. Mr. President, today's debate is the culmination of a long process of rethinking social programs. Welfare originally was designed as a transitional program—a safety net. The system is no longer a temporary safety net, but a lifetime security blanket. The result? Millions of Americans now are trapped in a cycle of dependency. To end this cycle we must rethink our concept of welfare. We need a new approach.

The bill offered by the majority leader, Senator DOLE, represents the fresh start we desperately need. The Dole bill would bring common sense back to welfare. It would restore personal responsibility and self-sufficiency. Compassion can no longer be defined in the number of dollars spent on welfare. Since the War on Poverty began three decades ago, welfare spending has increased to more than $137.6 billion. Despite this massive infusion of cash, our poverty level remains virtually the same—roughly 13 percent. Today, more than 69,000 South Dakotans are on welfare. That is more people than the population of Rapid City. We can no longer throw taxpayer dollars at a so-called poverty program that has not worked. We must change the incentives in the current system that encourage dependency on welfare. We must refocus our priorities to emphasize work and family. The Dole bill does just that.

My liberal friends on the other side of the aisle prefer to continue the status quo. I do not understand why. The current system is cruel and unfair—to both welfare recipients and taxpayers. The current system holds people in a dependent state of poverty. It prevents them from realizing their personal potential and contributing to their family and community through work. Last June, I met with a group of mothers from South Dakota who are on welfare. Their heartfelt stories varied, but all are working actively for the day when they will leave welfare. They want welfare to be a transitional program. Their goal should be the welfare system's goal as well.

We can no longer tolerate blatant gaming of the system. Generations of able-bodied families have stayed on welfare rather than work. This abuse is an insult to hardworking Americans. South Dakota has many working poor families. The small farmer, the local waitress and convenience store clerk struggle daily to provide for their families without government assistance. Welfare recipients should not get a free ride at the expense of hard working taxpayers. Frankly, they should not live easier or better than our working poor, who strive daily to put food on the table without a handout. The loopholes that allow people to cheat the system and defraud taxpayers must be closed.

The Dole plan would transform welfare to workfare. It would restore personal responsibility by requiring work for benefits after 2 years on public assistance. Work would be required for food stamps as well. It would impose a 5 year lifetime limit on benefits. The bill would end disability assistance payments for alcohol and drug addicts to continue their habits, which is allowed under current law. It would

tighten eligibility for food stamps. It would toughen child support enforcement. The Dole bill also would streamline child care programs, child nutrition programs, and job training programs. Collectively, these steps would move our antipoverty programs from welfare to workfare; dependency to personal responsibility. It is about time.

We all agree that we have a responsibility to provide public assistance to truly needy children and families. This bill would continue the necessary transition assistance for those families who find themselves in circumstances beyond their control. It would not cut benefits to needy children. Instead, it would eliminate one-third of the cumbersome bureaucracy at the Department of Health and Human Services and scores of needless Federal regulations.

The second pillar of personal responsibility is family. Welfare reform should remove disincentives to a sound family structure. The current system rewards illegitimacy and discourages marriage. An entire class of children are growing up in single parent families, usually without fathers. South Dakota small towns and cities are no longer immune to these problems. If we expect to restore family values, we must first restore the family structure. We should encourage marriage and family values while we encourage work.

Perhaps most importantly, the Dole bill would give South Dakota and other States the ability to craft the solutions that best serve local needs. It has been proven time and again that Washington bureaucrats cannot completely understand unique local needs from thousands of miles away. Nor can we expect Washington bureaucrats to be the sole source of creative changes. By giving States welfare funds in a block grant, South Dakota would be free to pursue innovative ways to meet the needs of their welfare recipients.

Like many other States, South Dakota has been operating under a waiver from the Federal Government since January 1, 1995. This waiver has allowed them to make some of the key reforms called for in the Dole bill. South Dakota implemented work for benefits, and incentives to moving off welfare, such as a transition period between AFDC support and employment. These changes are working. Case rolls are decreasing dramatically. In fiscal year 1994, South Dakota had a monthly average of 19,446 people on aid to families with dependent children [AFDC]—the central welfare cash assistance program. In May 1995, we had 16,737 people on AFDC. This reduction is proof that workfare truly works. We can change the incentives in the system. Further, South Dakota, like other States, can do a better job than the Federal Government.

I would like to speak for a few moments about the unique welfare problems in South Dakota. A number of the welfare problems in South Dakota are ours alone—in fact, they differ greatly from even our Midwest neighbors. My State has three of the five poorest counties in the entire Nation. Our State has the lowest wages in the country. More than half of our welfare recipients—58 percent—are native Americans—the highest percentage in the country. In some reservation areas, unemployment runs more than 80 percent. Long distances between towns and a lack of public transportation are further barriers to gainful employment and quality child care. All of these factors create a situation that needs special attention. What is needed to end welfare dependency in Oglala, Fort Thompson, or Rapid City, SD, is not what is needed in Los Angeles or Mississippi. With this bill, we recognize that we are a nation with people of vastly different needs. As such, we need individualized solutions.

True welfare reform in South Dakota demands welfare reform on our reservations. Because of South Dakota's special problems, I have been especially concerned with the treatment of native American tribes in this legislation. Both the tribes and the State of South Dakota agree that the best way to relieve poverty and welfare dependency on reservations is give tribes the option to run their own welfare programs. A number of my colleagues—Senators MCCAIN, HATCH, MURKOWSKI, and DOMENICI—and myself, have agreed on a proposal which is included in the Dole bill. Our proposal would give tribes the ability to allocate their share of a State's AFDC dollars among tribal members. Much like the overall welfare system, handing out unlimited Federal dollars in public assistance has not changed the deplorable poverty on reservations. Welfare reform for native American tribes also means changing incentives. Workfare must be employed on our native American tribes, but done in a manner that recognizes the unique circumstances that exist. By making tribes directly responsible for their members, tribes will have an incentive to find solutions to chronic unemployment and poverty. This also is consistent with the long-standing Federal policy of tribal self-governance. Under our proposal, for example, tribes in high unemployment areas such as Shannon County would be given some flexibility in meeting participation rates. This proposal is fair and I thank all my colleagues for their help in taking the first step to resolve this important, but difficult issue.

I am proud to be part of this effort today. Ultimately, what this bill is about is change—positive change. We can change the current failed system to help people become self-sufficient and productive members of society. We can change incentives to restore personal responsibility and family values. I look forward to working with my colleagues on both sides of the aisle to see that workfare becomes a reality.

ORDERS FOR FRIDAY, SEPTEMBER 15

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Friday, September 15, 1995, that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of H.R. 4, the welfare reform bill, and there then be 10 minutes of debate, equally divided, on the Bingaman amendment No. 2483.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR SERVICE TO SMALL CITIES

Mr. PRESSLER. Mr. President, I rise today to discuss a problem which severely affects the economic growth of my home state of South Dakota. This problem is an acute shortage of air service within my state coupled with insufficient connecting air service between South Dakota cities and hub airports in nearby states. Congressional attention is needed.

The Airline Deregulation Act of 1978 created significant domestic travel benefits for many Americans. In addition, airline efficiencies resulting from deregulation have helped reduce the cost of international travel. Unfortunately, these benefits have not been evenly distributed across the country. Indeed, they have not been shared by Americans living in many smaller cities and rural communities.

One need only try to schedule air travel to South Dakota to know that my state, as well as other rural states, have paid a harsh price for airline deregulation. For numerous small cities, fares are higher and service less frequent since deregulation. Moreover, I know from personal experience—and statistics from the U.S. Department of Transportation (DOT) confirm—that non-stop jet service to many South Dakota cities has been replaced by connecting turboprop service. The result? Often, it is less desirable service involving circuitous routing on slower and less comfortable aircraft.

Mr. President, several months ago I requested the General Accounting Office (GAO) to prepare a study comparing air service for large, medium and small cities across the country. That study, which I understand is progressing well, is considering differences between these markets in terms of the cost of air travel for consumers, the extent to which jet service is available,